



# A Candidate's Guide to Elections in North Carolina

---

## CONTENTS

1	CANDIDATE FILING .....	2
1.1	NOTICE OF CANDIDACY .....	2
1.2	FILING JURISDICTION AND FILING PERIOD .....	6
1.3	ELIGIBILITY TO FILE .....	6
1.4	DISCLOSURE OF FELONY CONVICTION .....	7
1.5	CANDIDATE CHALLENGE .....	9
2	STATEMENT OF ECONOMIC INTEREST REQUIRED .....	13
3	QUALIFICATIONS TO VOTE AND VOTER REGISTRATION .....	14
3.1	QUALIFICATION TO VOTE .....	14
3.2	VOTER REGISTRATION REQUIREMENTS .....	14
3.3	VOTER REGISTRATION DEADLINE .....	15
3.4	SAME-DAY REGISTRATION .....	15
3.5	VOTER REGISTRATION DRIVES .....	16
3.6	VOTER CHALLENGES .....	17
4	VOTING IN NORTH CAROLINA .....	19
4.1	VOTING METHODS .....	19
4.2	IN-PERSON VOTING PROCEDURES .....	19
4.3	ABSENTEE VOTING BY-MAIL PROCEDURES .....	21
4.4	PROVISIONAL VOTING SUMMARY .....	32
5	ELECTION RESULTS .....	36
5.1	COUNTY CANVASS .....	37
5.2	STATE CANVASS .....	38
6	CAMPAIGN ETIQUETTE .....	39
6.1	NO ELECTIONEERING NEAR THE FRONT ENTRANCE TO A VOTING SITE	39
6.2	ISSUES OR COMPLAINTS AT VOTING SITES .....	39
7	CAMPAIGN FINANCE INFORMATION .....	40
7.1	ORGANIZING THE COMMITTEE .....	40
7.2	DISCLOSURE REPORTING .....	41
7.3	WHAT IS INCLUDED IN A DISCLOSURE REPORT? .....	42
7.4	CAMPAIGN FINANCE LAW REGARDING CONTRIBUTIONS AND EXPENDITURES .....	43
7.5	MEDIA REQUIREMENTS .....	45

## A Candidate's Guide to Elections in North Carolina

This resource has been created to give general guidance and assistance to candidates. This guidance does not absolve a candidate from the responsibility of reading the North Carolina General Statutes and any other state or federal rule, regulation or code related to election administration and campaign finance laws.

If you have any questions concerning this Guide, please contact your county board of elections or the State Board. If your inquiry rises to the level of a request for legal advice to assist you in your campaign, we will encourage you to seek legal counsel.

## IMPORTANT DATES

Candidate Filing Period				
	Primary	Soil & Water	Judicial <sup>1</sup>	
Candidate Filing Period Begins	2/12/18	6/11/18	6/18/18	
Last Day to Withdraw as a Candidate	2/23/18	7/2/18	6/26/18	
Candidate Filing Period Ends	2/28/18	7/6/18	6/29/18	
Last Day to File a Candidate Challenge	3/14/18	7/20/18	7/13/18	
Election Event Schedule				
Event	Primary Election	June Second* Primary	July Second* Primary	General Election
Absentee Voting by Mail Begins <a href="#">GS § 227.3</a>	3/19/18	as soon as practicable	6/2/18	9/7/18
Voter Registration Deadline <a href="#">GS § 163-82.6(c)</a>	4/13/18	4/13/18**	4/13/18**	10/12/18
Voter Challenge Deadline <a href="#">GS § 163-85(a)</a>	4/13/18	4/13/18**	4/13/18**	10/12/18
One-stop Voting Begins <a href="#">GS § 163-227.2</a>	4/19/18	6/7/18	6/28/18	10/18/18
Last Day to Request a Civilian Absentee Ballot <a href="#">GS § 163-230.1(a)</a>	5/1/18	6/19/18	7/10/18	10/30/18
One-stop Voting Ends <a href="#">GS § 163-227.2</a>	5/5/18	6/23/18	7/14/18	11/3/18
Last Day to Return an Absentee Ballot <a href="#">GS § 163-231</a>	5/8/18	6/26/18	7/17/18	11/6/18
Election Day <a href="#">GS § 163-1</a> ; <a href="#">GS § 163-111</a>	5/8/18	6/26/18	7/17/18	11/6/18
County Canvass <a href="#">GS § 163-182.5</a>	5/18/18	7/6/18	7/27/18	11/16/18
Deadline to File an Election Protest (before 11AM) <a href="#">GS § 163-182.9</a> (re: vote count or tabulation)	5/18/18	7/6/18	7/27/18	11/16/18
Deadline to Request a Recount <a href="#">GS § 163-182.7(b)</a> (county jurisdictional contest)	5/21/18	7/9/18	7/30/18	11/19/18
Deadline to Request a Recount <a href="#">GS § 163-182.7(c)</a> (state jurisdictional contest)	5/22/18	7/10/18	7/31/18	11/20/18
Deadline to File an Election Protest <a href="#">GS § 163-182.9</a> (re: other than vote count or tabulation)	5/22/18	7/10/18	7/31/18	11/20/18

\* If any federal contest requires a second primary, the election event date for North Carolina's second primary will be in July; otherwise the election event date for any second primary will be in June.

\*\* There shall be no voter registration between a first primary and a second primary.

<sup>1</sup> Please see [NOTE REGARDING JUDICIAL FILINGS](#) on page 2 of this Guide.

# 1 CANDIDATE FILING

The date of the general election is **Tuesday, November 6, 2018**. To determine the nominee for certain contests, there is a primary election on **Tuesday, May 8, 2018**. If there is no clear party nominee in certain contests following the partisan primary election, there may be a second primary for that contest, either on **Tuesday, June 26, 2018** (if no contest for federal office in the state requires a second primary), or **Tuesday, July 17, 2018** (if one or more contests for federal office in the state requires a second primary).

**NOTE REGARDING JUDICIAL FILINGS:** As of this Guide's publication [February 2, 2018], Supreme or Appellate Court candidates shall file beginning at noon on February 12 and ending at noon on February 28. Superior or District Court candidates shall file beginning at noon on June 18 and ending at noon on June 29. However, since continuing litigation is expected, these dates are subject to change.

## § 163-1. Time of regular elections and primaries.

(a) Unless otherwise provided by law, elections for the officers listed in the tabulation contained in this section shall be conducted in all election precincts of the territorial units specified in the column headed "Jurisdiction" on the dates indicated in the column headed "Date of Election." Unless otherwise provided by law, officers shall serve for the terms specified in the column headed "Term of Office."

(b) On Tuesday next after the first Monday in May preceding each general election to be held in November for the officers referred to in subsection (a) of this section, there shall be held in all election precincts within the territory for which the officers are to be elected a primary election for the purpose of nominating candidates for each political party in the State for those offices, and nonpartisan candidates as to offices elected under the provisions of Article 25 of this Chapter.

## 1.1 NOTICE OF CANDIDACY

Each person seeking to become a candidate must file a notice of candidacy with the proper board of elections. The State Board provides a [Notice of Candidacy](#) form, which is available on its website or from any county board of elections.

## § 163-106. Notices of candidacy; pledge; with whom filed; date for filing; withdrawal.

(a) Notice and Pledge. – No one shall be voted for in a primary election without having filed a notice of candidacy with the appropriate board of elections, State or county, as required by this section. To this end every candidate for selection as the nominee of a political party shall file with and place in the possession of the board of elections specified in subsection (c) of this section, a notice and pledge in the following form:

Date \_\_\_\_\_

I hereby file notice as a candidate for nomination as \_\_\_\_\_ in the \_\_\_\_\_ party primary election to be held on \_\_\_\_\_, \_\_\_\_\_. I affiliate with the \_\_\_\_\_ party, (and I certify that I am now registered on the registration records of the precinct in which I reside as an affiliate of the \_\_\_\_\_ party.) I pledge that if I am defeated in the primary, I will not run for the same office as a write-in candidate in the next general election.

Signed \_\_\_\_\_  
(Name of Candidate)

Witness:

\_\_\_\_\_

(Title of witness)

### 1.1.1 CANDIDATE'S SIGNATURE

Each candidate must sign the notice of candidacy in the presence of the chair, or secretary of the relevant board of elections. Alternatively, a candidate may have his or her signature on the notice of candidacy acknowledged and certified by a Notary Public, in which case, the candidate may mail or have the notice of candidacy delivered by commercial courier service to the appropriate board of elections. A mailed notice of candidacy must be received by the board of elections before the filing deadline regardless of the time it was deposited in the mail.

With respect to signing the notice of candidacy, the candidate shall either:

- use his or her legal name (an initial may be used for a middle name, if applicable), and, in the candidate's discretion may also include any nickname by which he or she is commonly known; OR
- provide a signed affidavit that the candidate has been known by a certain nickname for at least five years prior to the date of the affidavit, in which case he or she may sign with the nickname in lieu of the legal first name and any middle initial or name. A candidate may not use a last name other than his or her legal last name.

### 1.1.2 CANDIDATE'S NAME ON THE BALLOT

The names of the candidates will appear on the official ballots just as they appear on the notice of candidacy. No title, appendage, or appellation indicating rank, status, or position shall be printed on the official ballot in connection with a candidate's name, though candidates may use the title Mr., Mrs., Miss, or Ms. Legitimate nicknames may be permitted on an official ballot, but only if listed on the notice of candidacy. The nickname, which will appear in parentheses on the ballot, may not mislead voters or unduly advertise the candidacy. If a candidate is providing an affidavit to permit the use of a nickname with his or her legal last name, the affidavit shall include the way the ballot shall list the candidate's name (as permitted by law) in the event that another candidate with the same last name files for the same office.

#### **§ 163-106 (a).**

....

Each candidate shall sign the notice of candidacy in the presence of the chairman or secretary of the board of elections, State or county, with which the candidate files. In the alternative, a candidate may have the candidate's signature on the notice of candidacy acknowledged and certified to by an officer authorized to take acknowledgments and administer oaths, in which case the candidate may mail or deliver by commercial courier service the candidate's notice of candidacy to the appropriate board of elections.

In signing the notice of candidacy the candidate shall use only that candidate's legal name and may use any nickname by which he is commonly known. A candidate may also, in lieu of that candidate's legal first name and legal middle initial or middle name (if any) sign a nickname, provided that the candidate appends to the notice of candidacy an affidavit that the candidate has been commonly known by that nickname for at least five years prior to the date of making the affidavit. The candidate shall also include with the affidavit the way that candidate's name (as permitted by law) should be listed on the ballot if another candidate with the same last name files a notice of candidacy for that office.

A notice of candidacy signed by an agent or any person other than the candidate shall be invalid.

Prior to the date on which candidates may commence filing, the State Board of Elections shall print and furnish, at State expense, to each county board of elections a sufficient number of the notice of candidacy forms prescribed by this subsection for use by candidates required to file with county boards of elections.

Candidate Names on Ballots		Example(s): <i>Legal Name: George Eugene Smith</i>	
		Allowed	Not Allowed
①	A candidate may use either first or middle name before the last name (no nickname affidavit necessary)	George Smith Eugene Smith	
②	A candidate may abbreviate using the first letter of either his first or middle name (but not last name) (no nickname affidavit necessary).	G. Smith G. E. Smith George E. Smith G. Eugene Smith	George S. G. E. S.
③	A candidate may choose to include a suffix (no nickname affidavit necessary).	George Smith George Smith, Jr. George Smith III	George Smith, Esq. George Smith, MD
④	The ONLY title allowed along with a name is Mr./Mrs./Miss/Ms.	Mr. George Smith	General George Smith Judge George Smith Hon. George Smith
⑤	If a nickname affidavit is completed, the nickname must either be used in place of the first or middle name, or following the first/middle name in parenthesis. Nicknames that indicate rank, status or position are prohibited. Any shortening of a name as it appears in the voter record, other than abbreviation to the first letter, requires a nickname affidavit (such as “Dave” if the voter registration lists the first name as “David”)	George (Joey) Smith George E. (Joey) Smith George Eugene (Joey) Smith Eugene (Joey) Smith Joey Smith	George (Da Bomb) Smith George (Vote For Me) Smith George (The Judge) Smith George (Winner) Smith

### 1.1.3 VERIFICATION BY COUNTY BOARD OF ELECTIONS FOR CERTAIN CONTESTS

Candidates required to file their notice of candidacy with the State Board must file along with their notice a certificate signed by the chairman of the board of elections or the director of elections of the county in which they are registered to vote. For this reason, candidates required to file their notice of candidacy with the State Board must first have their notice of candidacy verified by their board of elections prior to submitting the notice to the state Board.

#### Non-Judicial Candidates

This certificate, on the second page of the [Notice of Candidacy](#), permits the board of elections to verify that the person seeking candidacy for a non-judicial office is registered to vote in that county, states the party with which the person is affiliated, and has not changed his affiliation from another party or from unaffiliated within 90 days prior to the filing deadline.

## Judicial Candidates

Candidates seeking judicial office should note that the second page of the [Notice of Candidacy](#) form permits him or her to indicate either the political party with which that candidate is affiliated or unaffiliated status. The county board of elections shall verify the party designation or unaffiliated status.<sup>2</sup>

### § 163-106 (f).

(f) Candidates required to file their notice of candidacy with the State Board of Elections under subsection (c) of this section shall file along with their notice a certificate signed by the chairman of the board of elections or the director of elections of the county in which they are registered to vote, stating that the person is registered to vote in that county, stating the party with which the person is affiliated, and that the person has not changed his affiliation from another party or from unaffiliated within three months prior to the filing deadline under subsection (c) of this section. In issuing such certificate, the chairman or director shall check the registration records of the county to verify such information. During the period commencing 36 hours immediately preceding the filing deadline the State Board of Elections shall accept, on a conditional basis, the notice of candidacy of a candidate who has failed to secure the verification ordered herein subject to receipt of verification no later than three days following the filing deadline. The State Board of Elections shall prescribe the form for such certificate, and distribute it to each county board of elections no later than the last Monday in December of each odd-numbered year.

### 1.1.4 WITHDRAWAL OF CANDIDACY

Any person who has filed a notice of candidacy for an office has the right to withdraw it at any time prior to the close of business on the third business day prior to the date on which the right to file for that office expires. The deadline for withdrawal of notice of candidacy for the following filing period is as follows:

- Primary filing period: **Friday, February 23, 2018**
- Soil & water filing period: **Tuesday, July 2, 2018**
- Judicial filing period: **Tuesday, June 26, 2018**

The name of any candidate who does not withdraw by the deadline shall be printed on the primary ballot. Any votes received by that candidate shall be counted. The filing fee will not be refunded.

### § 163-106 (e).

(e) Withdrawal of Notice of Candidacy. – Any person who has filed notice of candidacy for an office shall have the right to withdraw it at any time prior to the close of business on the third business day prior to the date on which the right to file for that office G.S. 163-106 Page 3 expires under the terms of subsection (c) of this section. If a candidate does not withdraw before the deadline, except as provided in G.S. 163-112, his name shall be printed on the primary ballot, any votes for him shall be counted, and he shall not be refunded his filing fee.

---

<sup>2</sup> The matter of judicial primaries and filing dates is still the subject of litigation. Candidates interested in seeking judicial seats in 2018 should anticipate the possibility of changes to judicial election requirements subsequent to the publication of this Guide.

## 1.2 FILING JURISDICTION AND FILING PERIOD

Candidates for the U.S. House of Representatives, district attorney and all judicial offices must file notice of candidacy with the State Board. Candidates for office of NC State Senator, State House Representative and all county and local offices shall file their notice of candidacy with their county board of elections.

- Filing for contests subject to a *possible* primary election in the May 2018 statewide primary begins at noon on **Monday, February 12, 2018** and ends at noon on **Wednesday, February 28, 2018**.
- Filing for soil & water conservation supervisors begins at noon on **Monday, June 11, 2018** and ends at noon on **Friday, July 6, 2018**.
- Filing for superior court and district court judge begins at noon on **Monday, June 18, 2018** and ends at noon on **Friday, June 29, 2018**.
- Candidates seeking municipal or other local office must check with their county board of elections for the dates of the filing for these offices

### § 163-106 (c).

(c) Time for Filing Notice of Candidacy. – Candidates seeking party primary nominations for the following offices shall file their notice of candidacy with the *State Board of Elections* no earlier than 12:00 noon on the second Monday in February and no later than 12:00 noon on the last business day in February preceding the primary:

Governor  
Lieutenant Governor  
All State executive officers  
United States Senators  
Members of the House of Representatives of the United States  
District attorneys

Candidates seeking party primary nominations for the following offices shall file their notice of candidacy with the *county board of elections* no earlier than 12:00 noon on the second Monday in February and no later than 12:00 noon on the last business day in February preceding the primary:

State Senators  
Members of the State House of Representatives  
All county offices.

## 1.3 ELIGIBILITY TO FILE

### 1.3.1 ONLY ONE OFFICE PER ELECTION

No person may file for more than one office for any one election. A person who has filed a notice of candidacy may not subsequently file for any other office when the election is on the same date unless the notice for the first office is withdrawn by the deadline.

### § 163-106 (h).

(h) No person may file a notice of candidacy for more than one office described in subsection (c) of this section for any one election. If a person has filed a notice of candidacy with a board of elections under this section for one office, then a notice of candidacy may not later be filed for any other office under this section when the election is on the

same date unless the notice of candidacy for the first office is withdrawn under subsection (e) of this section; provided that this subsection shall not apply unless the deadline for filing notices of candidacy for both offices is the same. Notwithstanding this subsection, a person may file a notice of candidacy for a full term as United States Senator, and also file a notice of candidacy for the remainder of the unexpired term of that same seat in an election held under G.S. 163-12, and may file a notice of candidacy for a full term as a member of the United States House of Representatives, and also file a notice of candidacy for the remainder of the unexpired term in an election held under G.S. 163-13.

### 1.3.2 GENERAL CANDIDACY REQUIREMENTS

- One must be a registered voter qualified to vote in an election for the office sought
- One must be at least 21 years of age as of the date of the general election
- One must not be serving an active felony sentence, including any period of probation or parole<sup>3</sup>

### 1.3.3 PARTY AFFILIATION

No one is permitted to file as a candidate in a party primary unless he or she has been affiliated with that party for at least 90 days as of the date of that person's filing of notice of candidacy. A person registered as "unaffiliated" is ineligible to file as a candidate in a partisan primary election.

#### § 163-106 (b).

(b) Eligibility to File. – No person shall be permitted to file as a candidate in a party primary unless that person has been affiliated with that party for at least 90 days as of the date of that person filing such notice of candidacy. A person registered as "unaffiliated" shall be ineligible to file as a candidate in a party primary election.

### 1.3.4 DISQUALIFICATION

The county board of elections may cancel the notice of candidacy of any candidate who is not qualified for the office being sought.

#### § 163-106 (g).

(g) When any candidate files a notice of candidacy with a board of elections . . . , the board of elections shall, immediately upon receipt of the notice of candidacy, inspect the registration records of the county, and cancel the notice of candidacy of any person who does not meet the constitutional or statutory qualifications for the office, including residency. The board shall give notice of cancellation to any candidate whose notice of candidacy has been cancelled under this subsection by mail or by having the notice served on him by the sheriff, and to any other candidate filing for the same office. A candidate who has been adversely affected by a cancellation or another candidate for the same office affected by a substantiation under this subsection may request a hearing on the cancellation. If the candidate requests a hearing, the hearing shall be conducted in accordance with Article 11B of Chapter 163 of the General Statutes.

## 1.4 DISCLOSURE OF FELONY CONVICTION

The *Notice of Candidacy* form provided by the State Board (available online or from any county board of elections office) includes a statement that addresses whether the candidate has ever been convicted of a felony. Candidates are required

---

<sup>3</sup> An exception to the general requirements in North Carolina is that no one may serve as sheriff who has been convicted of a felony, notwithstanding that his or her rights of citizenship have been restored. See [N.C. Const. Art VII § 2](#).

by law to file a statement that answers the following: “Have you ever been convicted of a felony?” Candidates who answer “yes” to this question must provide the name of the offense, date of conviction, date of restoration of citizenship rights, and the county and state of conviction. It is a Class I felony for an individual to knowingly provide untrue information in response to this question.

A candidate is not required to disclose a felony conviction if the conviction were dismissed as a result of reversal on appeal or resulted in a pardon of innocence or expungement. A prior felony conviction does not bar an individual holding elective office (except for the office of sheriff) if the candidate’s rights of citizenship have been restored.<sup>4</sup>

If a candidate fails to complete the felony disclosure statement, the board of elections that accepted the filing will notify the candidate of the omission, at which point the candidate has 48 hours after notice to complete the statement. If a candidate does not complete the statement at the time of filing or within 48 hours after the notice, the individual's filing is not considered complete, the individual's name shall not appear on the ballot as a candidate, and votes for the individual shall not be counted.

The notice of candidacy is a public record in the office of the board of elections where the candidate files.

**§ 163-106. Notices of candidacy; pledge; with whom filed; date for filing; withdrawal.**

(a1) Disclosure of Felony Conviction. – At the same time the candidate files notice of candidacy under this section, the candidate shall file with the same office a statement answering the following question: "Have you ever been convicted of a felony?" The State Board of Elections shall adapt the notice of candidacy form to include the statement required by this subsection. The form shall make clear that a felony conviction need not be disclosed if the conviction was dismissed as a result of reversal on appeal or resulted in a pardon of innocence or expungement. The form shall require a candidate who answers "yes" to the question to provide the name of the offense, the date of conviction, the date of the restoration of citizenship rights, and the county and state of conviction. The form shall require the candidate to swear or affirm that the statements on the form are true, correct, and complete to the best of the candidate's knowledge or belief. The form shall be available as a public record in the office of the board of elections where the candidate files notice of candidacy and shall contain an explanation that a prior felony conviction does not preclude holding elective office if the candidate's rights of citizenship have been restored. This subsection shall also apply to individuals who become candidates for election by the people under G.S. 163-114, 163-122, 163-123, 163-98, 115C-37, 130A-50, Article 24 of Chapter 163 of the General Statutes, or any other statute or local act. Those individuals shall complete the question at the time the documents are filed initiating their candidacy. The State Board of Elections shall adapt those documents to include the statement required by this subsection. If an individual does not complete the statement required by this subsection, the board of elections accepting the filing shall notify the individual of the omission, and the individual shall have 48 hours after notice to complete the statement. If the individual does not complete the statement at the time of filing or within 48 hours after the notice, the individual's filing is not complete, the individual's name shall not appear on the ballot as a candidate, and votes for the individual shall not be counted. It is a Class I felony to complete the form knowing that information as to felony conviction or restoration of citizenship is untrue. This subsection shall not apply to candidates required by G.S. 138A-22(d) to file Statements of Economic Interest.

---

<sup>4</sup> [N.C. Const. Art VII § 2.](#)

## 1.5 CANDIDATE CHALLENGE

### 1.5.1 WHEN, HOW, AND GROUNDS FOR CANDIDATE CHALLENGE:

- A challenge to a candidate must be filed with the board of elections that received the notice of candidacy or petition no later than ten business days after the close of the filing period.
- The challenge must be made in a verified affidavit by a challenger, based on the challenger's reasonable suspicion or belief of the facts stated.
- The grounds for filing a challenge are that the candidate does not meet the constitutional or statutory qualifications for the office, including residency.

### 1.5.2 ELECTION PROTEST

If a challenger discovers grounds for challenging a candidate after the deadline, those grounds may be the basis for an "election protest." [G.S. §§ 163-127.2(c) and 163-182.9]. Only registered voters and candidates eligible to participate in the election in question are permitted to protest the election.

The timing for filing a protest depends upon the nature of the alleged irregularity.

Alleged Irregularity	Filing Deadline
<b>Manner in which votes were counted or results tabulated</b>	Before the beginning of the county canvass meeting
<b>Manner in which votes were counted or results tabulated AND statement of good cause for delay in filing</b>	5 PM on the 2 <sup>nd</sup> business day after the county has completed canvass & declared results
<b>Irregularity other than vote counting or results tabulation</b>	5 PM on the 2 <sup>nd</sup> business day after the county has completed its canvass & declared results

Note that according to G.S. § 163-182.9(b)(4)(d), if the protest concerns an irregularity other than vote counting or results tabulation and the protest is filed before Election Day, the protest proceedings shall be stayed, unless a party defending against the protest moves otherwise, until after Election Day if any one of the following conditions exists:

- The ballot has been printed.
- The voter registration deadline for that election has passed.
- Any of the proceedings will occur within 30 days before Election Day.

Persons who wish to file a protest shall use the form prescribed by the State Board [08 NCAC 02 .0110

## **Article 11B.**

### **Challenge to a Candidacy.**

#### **§ 163-127.1. Definitions.**

As used in this Article, the following terms mean:

- (1) Board. – State Board of Elections.
- (2) Candidate. – A person having filed a notice of candidacy under the appropriate statute for any elective office in this State.
- (3) Challenger. – Any qualified voter registered in the same district as the office for which the candidate has filed or petitioned.
- (4) Office. – The elected office for which the candidate has filed or petitioned.

#### **§ 163-127.1. Definitions.**

As used in this Article, the following terms mean:

- (1) Board. – State Board of Elections.
- (2) Candidate. – A person having filed a notice of candidacy under the appropriate statute for any elective office in this State.
- (3) Challenger. – Any qualified voter registered in the same district as the office for which the candidate has filed or petitioned.
- (4) Office. – The elected office for which the candidate has filed or petitioned.

#### **§ 163-127.2. When and how a challenge to a candidate may be made.**

(a) When. – A challenge to a candidate may be filed under this Article with the board of elections receiving the notice of the candidacy or petition no later than 10 business days after the close of the filing period for notice of candidacy or petition.

(b) How. – The challenge must be made in a verified affidavit by a challenger, based on reasonable suspicion or belief of the facts stated. Grounds for filing a challenge are that the candidate does not meet the constitutional or statutory qualifications for the office, including residency.

(c) If Defect Discovered After Deadline, Protest Available. – If a challenger discovers one or more grounds for challenging a candidate after the deadline in subsection (a) of this section, the grounds may be the basis for a protest under G.S. 163-182.9.

#### **§ 163-127.3. Panel to conduct the hearing on a challenge.**

Upon filing of a challenge, a panel shall hear the challenge, as follows:

- (1) Single county. – If the district for the office subject to the challenge covers territory in all or part of only one county, the panel shall be the county board of elections of that county.
- (2) Multicounty but less than entire State. – If the district for the office subject to the challenge contains territory in more than one county but is less than the entire State, the Board shall appoint a panel within two

business days after the challenge is filed. The panel shall consist of at least one member of the county board of elections in each county in the district of the office. The panel shall have an odd number of members, no fewer than three and no more than five. In appointing members to the panel, the Board shall appoint members from each county in proportion to the relative total number of registered voters of the counties in the district for the office. If the district for the office subject to the challenge covers more than five counties, the panel shall consist of five members with at least one member from the county receiving the notice of candidacy or petition and at least one member from the county of residency of the challenger. The Board shall, to the extent possible, appoint members affiliated with different political parties in proportion to the representation of those parties on the county boards of elections in the district for the office. The Board shall designate a chair for the panel. A meeting of the Board to appoint a panel under this subdivision shall be treated as an emergency meeting for purposes of G.S. 143-318.12.

(3) Entire State. – If the district for the office subject to the challenge consists of the entire State, the panel shall be the Board.

#### **§ 163-127.4. Conduct of hearing by panel.**

(a) The panel conducting a hearing under this Article shall do all of the following:

- (1) Within five business days after the challenge is filed, designate and announce the time of the hearing and the facility where the hearing will be held. The hearing shall be held at a location in the district reasonably convenient to the public, and shall preferably be held in the county receiving the notice of the candidacy or petition. If the district for the office covers only part of a county, the hearing shall be at a location in the county convenient to residents of the district, but need not be in the district.
- (2) Allow for depositions prior to the hearing, if requested by the challenger or candidate before the time of the hearing is designated and announced.
- (3) Issue subpoenas for witnesses or documents, or both, upon request of the parties or upon its own motion.
- (4) Render a written decision within 20 business days after the challenge is filed and serve that written decision on the parties.

(b) Notice of Hearing. – The panel shall give notice of the hearing to the challenger, to the candidate, other candidates filing or petitioning to be elected to the same office, to the county chair of each political party in every county in the district for the office, and to those persons who have requested to be notified. Each person given notice shall also be given a copy of the challenge or a summary of its allegations.

Failure to comply with the notice requirements in this subsection shall not delay the holding of a hearing nor invalidate the results if the individuals required by this section to be notified have been notified.

(c) Conduct of Hearing. – The hearing under this Article shall be conducted as follows:

- (1) The panel may allow evidence to be presented at the hearing in the form of affidavits supporting documents, or it may examine witnesses. The chair or any two members of the panel may subpoena witnesses or documents. The parties shall be allowed to issue subpoenas for witnesses or documents, or both, including a subpoena of the candidate. Each witness must be placed under oath before testifying. The Board shall provide the wording of the oath to the panel.
- (2) The panel may receive evidence at the hearing from any person with information concerning the subject of the challenge, and such presentation of evidence shall be subject to Chapter 8C of the General Statutes. The challenger shall be permitted to present evidence at the hearing, but the challenger shall not be required to

testify unless subpoenaed by a party. The panel may allow evidence to be presented by a person who is present.

(3) The hearing shall be recorded by a reporter or by mechanical means, and the full record of the hearing shall be preserved by the panel until directed otherwise by the Board.

(d) Findings of Fact and Conclusions of Law by Panel. – The panel shall make a written decision on each challenge by separately stating findings of facts, conclusions of law, and an order.

(e) Rules by Board. – The Board shall adopt rules providing for adequate notice to parties, scheduling of hearings, and the timing of deliberations and issuance of decisions.

#### **§ 163-127.5. Burden of proof.**

(a) The burden of proof shall be upon the candidate, who must show by a preponderance of the evidence of the record as a whole that he or she is qualified to be a candidate for the office.

(b) If the challenge is based upon a question of residency, the candidate must show all of the following:

- (1) An actual abandonment of the first domicile, coupled with an intent not to return to the first domicile.
- (2) The acquisition of a new domicile by actual residence at another place.
- (3) The intent of making the newer domicile a permanent domicile.

#### **§ 163-127.6. Appeals.**

(a) Appeals from Single or Multicounty Panel. – The decision of a panel created under G.S. 163-127.3(1) or G.S. 163-127.3(2) may be appealed as of right to the Board by any of the following:

- (1) The challenger.
- (2) A candidate adversely affected by the panel's decision. Appeal must be taken within two business days after the panel serves the written decision on the parties. The written appeal must be delivered or deposited in the mail to the Board by the end of the second business day after the written decision was filed by the panel. The Board shall prescribe forms for filing appeals from a panel's decision in a challenge. The Board shall base its appellate decision on the whole record of the hearing conducted by the panel and render its opinion on an expedited basis. From the final order or decision by the Board under this subsection, appeal as of right lies directly to the Court of Appeals. Appeal shall be filed no later than two business days after the Board files its final order or decision in its office.

(b) Appeals from Statewide Panel. – The decision of a panel created under G.S. 163-127.3(3) may be appealed as of right to the Court of Appeals by any of the following:

- (1) The challenger.
- (2) A candidate adversely affected by the panel's decision. Appeal must be taken within two business days after the panel files the written decision. The written appeal must be delivered or deposited in the mail to the Court of Appeals by the end of the second business day after the written decision was filed by the panel.

## 2 STATEMENT OF ECONOMIC INTEREST REQUIRED

Candidates for the following offices must file a Statement of Economic Interest (SEI) with the State Board within 10 days of the candidate filing deadline for that office:

- Governor
- Lieutenant Governor
- Council of State
- State Senator
- State House of Representatives
- Justice or judge of the General Court of Justice
- District Attorney
- Clerk of Court

An individual nominated to fill a vacancy of a party-nominated candidate for one of the above offices that occurs after the party nomination and before the general election is required to file an SEI with the State Board within 3 days of the individual's nomination, or not later than the day preceding the general election, whichever occurs first.

An individual seeking to qualify as an unaffiliated candidate for one of the above offices must file an SEI with the State Board within 3 days of filing the unaffiliated petition. An individual who wishes write-in votes to be counted for his or her candidacy in a general election must file an SEI within 3 days of filing the declaration of intent to be a write-in candidate.

A new party's candidate chosen in the convention for one of the above offices must file an SEI with the State Board within 3 days of the candidate's name being certified to the State Board by the president of the convention.

### **§ 138A-22. Statement of economic interest; filing required.**

(d) A candidate for an office subject to this Article shall file the statement of economic interest with the Commission within 10 days of the filing deadline for the office the candidate seeks. An individual nominated under G.S. 163-114 shall file the statement within three days following the individual's nomination, or not later than the day preceding the general election, whichever occurs first. An individual seeking to qualify as an unaffiliated candidate under G.S. 163-122 shall file the statement of economic interest within three days of filing the petition required under that section. An individual seeking to have write-in votes counted for that individual in a general election shall file a statement of economic interest within three days of the time the candidate files a declaration of intent under G.S. 163-123. A candidate of a new party chosen by convention shall file a statement of economic interest within three days of the time that the president of the convention certifies the names of its candidates to the State Board of Elections under G.S. 163-98.

## 3 QUALIFICATIONS TO VOTE AND VOTER REGISTRATION

Candidates are encouraged to be aware of the qualifications to vote in North Carolina and of the requirements and procedures for voter registration.

### 3.1 QUALIFICATION TO VOTE

To vote in North Carolina, a person must be a qualified registered voter. To vote, a person must be a U.S. citizen, at least 18 years of age by the date of the general election or at least 16 years old and understand that the person must be at least 18 years old on Election Day of the general election, a resident in the precinct for at least 30 days prior to the election<sup>5</sup>, and not serving an active felony sentence including any period of probation or parole<sup>6</sup>.

### 3.2 VOTER REGISTRATION REQUIREMENTS

To register to vote, change party affiliation or unaffiliated status, or report a name or address change, a voter registration applicant must complete a proper voter registration application. The applicant may use a form developed by the State Board or the Federal Voter Registration Application.

#### **§ 163-82.3. Voter registration application forms.**

(a) Form Developed by State Board of Elections. – The State Board of Elections shall develop an application form for voter registration. Any person may use the form to apply to do any of the following:

- (1) Register to vote.
- (2) Change party affiliation or unaffiliated status.
- (3) Report a change of address within a county.
- (4) Report a change of name.
- (5) [preregister to vote]

The county board of elections for the county where the applicant resides shall accept the form as application for any of those purposes if the form is submitted as set out in G.S. 163-82.3.

(b) Interstate Form. – The county board of elections where an applicant resides shall accept as application for any of the purposes set out in subsection (a) of this section the interstate registration form designed by the Federal Election Commission pursuant to section 9 of the National Voter Registration Act, if the interstate form is submitted in accordance with G.S. 163-82.6.

---

<sup>5</sup> Removal from one precinct to another in this State shall not operate to deprive any person of the right to vote in the precinct from which the person has removed until 30 days after the person's removal. G.S. § 163-55 (a).

<sup>6</sup> Any person adjudged guilty of a felony in North Carolina or the United States, or adjudged guilty of a felon in another state that would also be a felony if it had been committed in North Carolina, shall not be allowed to vote unless that person's rights of citizenship have been restored in the manner prescribed by law. G.S. § 163-55 (a)(2). Citizenship and voting rights are automatically restored upon completion of the sentence. No special document is required.

### 3.3 VOTER REGISTRATION DEADLINE

The deadline for civilian voters to register to vote, change name, address, or party affiliation is 25 days before the date of an election. The deadline for military and overseas citizens (UOCAVA) is the close of business on the day before election day.

	Election Date	Deadline
Primary (5/8/2018)	<b>Regular Voter Registration</b>	4/13/2018
	<b>UOCAVA Voter Registration</b>	5/7/2018
June or July Second Primary	<b>Regular Voter Registration</b>	4/13/2018*
	<b>UOCAVA Voter Registration</b>	5/7/2018*
General Election (11/6/2018)	<b>Regular Voter Registration</b>	10/12/2018
	<b>UOCAVA Voter Registration</b>	11/5/2018

\* There shall be no registration of voters between the dates of the first and second primaries. ([GS § 163-111\(e\)](#)).

#### § 163-82.6. Acceptance of application forms.

(c) Registration Deadlines for a Primary or Election. – In order to be valid for a primary or election, the form:

- (1) If submitted by mail, must be postmarked at least 25 days before the primary or election, except that any mailed application on which the postmark is missing or unclear is validly submitted if received in the mail not later than 20 days before the primary or election, G.S. 163-82.6 Page 2
- (2) If submitted in person, by facsimile transmission, or by transmission of a scanned document, must be received by the county board of elections by a time established by that board, but no earlier than 5:00 P.M., on the twenty-fifth day before the primary or election,
- (3) If submitted through a delegatee who violates the duty set forth in subsection (a) of this section, must be signed by the applicant and given to the delegatee not later than 25 days before the primary or election, except as provided in subsection (d) of this section.

(c1) If the application is submitted by facsimile transmission or transmission of a scanned document, a permanent copy of the completed, signed form shall be delivered to the county board no later than 20 days before the election.

### 3.4 SAME-DAY REGISTRATION

“Same day registration” permits individuals who are not registered in a county to register and vote at the same time during the one-stop early voting period. **Individuals who are already registered in a county may update their name and address information -- but not party affiliation -- during the one-stop absentee voting period.**

Same-day registrants must attest to their eligibility and provide proof of residence. Proof of residence may consist of any of the following valid documents showing the voter’s current name and residence address:

- A North Carolina driver license or photo identification issued by a government agency;
- A copy of a current utility bill, bank statement, government check, paycheck, or other government document showing the applicant’s current name and current residence address; OR

- Additional documents or methods authorized by the State Board.

The applicant may present either the original document or a copy of that document in hardcopy or electronic format. See <http://dl.ncsbe.gov/index.html?prefix=sboe/numbermemo/2016/> and click Numbered Memo [2016-15](#) for additional information and examples of acceptable documents.

### 3.5 VOTER REGISTRATION DRIVES

Candidates and their campaigns may distribute voter registration applications and conduct voter registration drives. Voter registration applications may be picked up in county boards of elections offices in quantities up to 100. Larger quantities may be requested from the State Board.

#### 3.5.1 LEGAL REQUIREMENTS FOR VOTER REGISTRATION DRIVES

Any person who conducts a voter registration drive is responsible for understanding the legal requirements and the legal penalties for failure to comply in G.S. § 163-82.6, pertinent parts of which follow (emphasis added):

##### **163-82.6. Acceptance of application forms.**

(a) How the Form May Be Submitted. – The county board of elections shall accept any form described in G.S. 163-82.3 if the applicant submits the form by mail, facsimile transmission, transmission of a scanned document, or in person. The applicant may delegate the submission of the form to another person. Any person who communicates to an applicant acceptance of that delegation shall deliver that form so that it is received by the appropriate county board of elections in time to satisfy the registration deadline in subdivision (1) or (2) of subsection (c) of this section for the next election. **It shall be a Class 2 misdemeanor for any person to communicate to the applicant acceptance of that delegation and then fail to make a good faith effort to deliver the form so that it is received by the county board of elections in time to satisfy the registration deadline in subdivision (1) or (2) of subsection (c) of this section for the next election.** It shall be an affirmative defense to a charge of failing to make a good faith effort to deliver a delegated form by the registration deadline that the delegatee informed the applicant that the form would not likely be delivered in time for the applicant to vote in the next election. It shall be a Class 2 misdemeanor for any person to sell or attempt to sell a completed voter registration form or to condition its delivery upon payment.

(a1) Misdemeanors. – It shall be a Class 2 misdemeanor for any person to do any of the following:

- (1) To communicate to the applicant acceptance of the delegation described in subsection (a) of this section and then fail to make a good faith effort to deliver the form so that it is received by the county board of elections in time to satisfy the registration deadline in subdivision (1) or (2) of subsection (c) of this section for the next election. It shall be an affirmative defense to a charge of failing to make a good faith effort to deliver a delegated form by the registration deadline that the delegatee informed the applicant that the form would not likely be delivered in time for the applicant to vote in the next election.
- (2) To sell or attempt to sell a completed voter registration form or to condition its delivery upon payment.
- (3) To change a person's information on a voter registration form prior to its delivery to a county board of elections.
- (4) To coerce a person into marking a party affiliation other than the party affiliation the person desires.
- (5) To offer a person a voter registration form that has a party affiliation premarked unless the person receiving the form has requested the premarking.

(b) Signature. – The form shall be valid only if signed by the applicant. An electronically captured signature, including signatures on applications generated by computer programs of third-party groups, shall not be valid on a voter

registration form, except as provided in Article 21A of this Chapter. Notwithstanding the provisions of this subsection, an electronically captured image of the signature of a voter on an electronic voter registration form offered by a State agency shall be considered a valid signature for all purposes for which a signature on a paper voter registration form is used.

### 3.5.2 RETURN VOTER REGISTRATION APPLICATIONS TO COUNTY BOARD OF ELECTIONS

Voter registration applications that are collected from applicants should be delivered to the appropriate county board of elections no later than the voter registration deadline for an election. It is recommended that the applications be delivered to the board of elections within five (5) days of receipt. This will ensure that the applicant is timely registered and promptly receives his or her voter registration card. Applications received by the State Board of Elections will be routed to the proper county board of elections, but voter registration drive organizers are strongly encouraged to route completed applications directly to applicants' proper county board of elections.

## 3.6 VOTER CHALLENGES

The right of a registered voter to challenge another voter's ballot is provided in Article 8 of Chapter 163 of the North Carolina General Statutes.

### 3.6.1 CHALLENGE PROCEDURE OTHER THAN ON DAY OF PRIMARY OR GENERAL ELECTION:

Any registered voter of the county may challenge the right of any person to register, remain registered or vote in such county. No challenge of a voter (whether to register, remain registered or vote) other than on the day of a primary or election may be made after the 25<sup>th</sup> day before each primary, general or special election. G.S. § 163-85.

Each challenge must be made separately, in writing, under oath and on forms prescribed by the State Board, and shall specify the reasons the challenged voter is not entitled to register, remain registered or vote. The challenge shall be signed by the challenger and shall set forth the challenger's address. The challenge must be filed with the county board of elections in the county where the voter is registered.

The grounds for a challenge listed in G.S. § 163-85(c) are:

- 1) That a person is not a resident of the State of North Carolina;
- 2) That a person is not a resident of the county in which the person is registered, provided that no such challenge may be made if the person removed his or her residence and that period of removal has been less than 30 days;
- 3) That a person is not a resident of the precinct in which the person is registered, provided that no such challenge may be made if the person removed his or her residence and that period of removal has been less than 30 days;
- 4) That a person is not 18 years of age, or if the challenge is made within 60 days before a primary, that the person will not be 18 years of age by the next general election;
- 5) That a person has been adjudged guilty of a felony and is ineligible to vote under G.S. § 163-55(2);
- 6) That a person is dead;
- 7) That a person is not a citizen of the United States;
- 8) With respect to municipal registration only, that a person is not a resident of the municipality in which the person is registered; or

- 9) That the person is not who he or she represents himself or herself to be.

Any voter who challenges another voter's right to vote in any municipal or special district election must reside in such municipality or special district. G.S. § 163-289(a).

### **3.6.2 CHALLENGE ON DAY OF PRIMARY OR GENERAL ELECTION:**

On the day of a primary or election, at the time a registered voter offers to vote, any other registered voter of the county may exercise the right of challenge, and when the voter does so may enter the voting enclosure to make the challenge, but the voter shall retire therefrom as soon as the challenge is heard. G.S. § 163-87.

The challenge may be made for one of the reasons in G.S. § 163-85(c) (listed above), that the person has already voted in that primary or election, and if the challenge is made with respect to voting in a partisan primary that the person is a registered voter of another political party.

### **3.6.3 CHALLENGE OF ABSENTEE BALLOTS:**

The absentee ballot of any voter may be challenged on the day of any primary or general election beginning no earlier than noon and ending no later than 5PM, or by the chief judge at the time of closing of the polls. A challenge of an absentee ballot may only be entered by a registered voter of the same precinct. G.S. § 163-89.

A challenge may be entered against a voter at a one-stop site or during one-stop voting at the county board office. The challenge may be entered by a person conducting one-stop voting or by another registered voter who resides in the same precinct as the voter being challenged. G.S. § 163-227.2(h).

.

## 4 VOTING IN NORTH CAROLINA

Candidates should be aware of the options for voting in North Carolina.

### 4.1 VOTING METHODS

There are three methods by which a registered voter may cast a ballot in North Carolina:

#### ABSENTEE BY-MAIL

Absentee voting by-mail permits any registered voter to request, receive and return a ballot by mail. Absentee ballots for the May primary election will be available as of **March 19, 2018**. If a second primary is necessary, absentee ballots will be available as soon as practicable if the election is in June. If the second primary is in July, absentee ballots will be available as of **June 2, 2018**. Absentee ballots for the general election in November will be available as of **September 7, 2018**.

#### ABSENTEE ONE-STOP VOTING

Absentee One-Stop Voting – or “early voting” – permits a person to request an absentee ballot in-person, receive the ballot and cast the ballot at any one-stop site in the county. The early voting period begins on the third Thursday prior to the date of an election and ends on the last Saturday before Election Day.

During the early voting, voting hours vary by county and location. Voters should check the one-stop absentee schedule in their county to determine specific hours for each early voting site. The schedule for early voting is typically posted by the start of the period for absentee voting by mail.

#### ELECTION DAY

The hours for voting on Election Day are **6:30 AM to 7:30 PM**. Any voter who is in line at 7:30 PM will be allowed to vote. On Election Day, registered voters should vote in their assigned precincts to receive the correct ballot style. A voter’s precinct is assigned according to the address where the voter has resided for 30 or more days prior to the date of an election.

Voters who present to vote at a polling site other than their assigned precinct, will be offered a provisional ballot. The county board of elections will review all provisional applications and use current North Carolina law to determine whether to count part or all of the ballot.

### 4.2 IN-PERSON VOTING PROCEDURES

Persons may vote in-person at early voting sites during the one-stop absentee voting period or at a voting site on Election Day.

The *in-person* voter will enter the voting enclosure and be asked by a precinct official to state his or her current name and residence address. In a primary election, the voter is also asked to state the political party with which he or she is affiliated. An unaffiliated voter must state which party’s primary ballot he or she wishes to vote. The election official will examine the registration list to determine the voter’s eligibility to vote in the current election. The voter is required to sign an authorization to vote document, a one-stop application, poll book, or other voting record, after which, he or she and will be directed to cast the provided ballot.

#### § 163-166.7. Voting procedures.

(a) Checking Registration. – A person seeking to vote shall enter the voting enclosure through the appropriate entrance. A precinct official assigned to check registration shall at once ask the voter to state current name and residence address. The voter shall answer by stating current name and residence address. In a primary election, that voter shall also be asked to state, and shall state, the political party with which the voter is affiliated or, if unaffiliated, the authorizing party in which the voter wishes to vote. After examination, that official shall state whether that voter

is duly registered to vote in that precinct and shall direct that voter to the voting equipment or to the official assigned to distribute official ballots. If a precinct official states that the person is duly registered, the person shall sign the pollbook, other voting record, or voter authorization document in accordance with subsection (c) of this section before voting.

#### 4.2.1 VOTER ASSISTANCE

Any voter is entitled to assistance from the voter's near relatives, which state law defines as the voter's spouse, brother, sister, parent, grandparent, child, grandchild, mother-in-law, father-in-law, daughter-in-law, son-in-law, stepparent, or stepchild, as chosen by the voter. The voter need not be disabled to receive such assistance.

A voter in any the following categories is entitled to assistance from a person of the voter's choice, excluding the voter's employer or agent of that employer or an officer or agent of the voter's union:

- A voter who, due to physical disability, is unable to enter the voting booth without assistance.
- A voter who, due to physical disability, is unable to mark a ballot without assistance.
- A voter who, due to illiteracy, is unable to mark a ballot without assistance.
- A voter who, due to blindness, is unable to enter the voting booth or mark a ballot without assistance.

Voters who request assistance at one-stop voting sites are entitled to the same assistance as voters on Election Day. There is no prohibition against a candidate assisting a voter if the voter is entitled to assistance. There is also no prohibition against a person assisting multiple voters if those voters are entitled to assistance. See <http://dl.ncsbe.gov/index.html?prefix=sboe/numbertmemo/2016/> and click Numbered Memo [2016-16](#) for additional information.

#### **§ 163-166.8. Assistance to voters.**

(a) Any registered voter qualified to vote in the election shall be entitled to assistance with entering and exiting the voting booth and in preparing ballots in accordance with the following rules:

- (1) Any voter is entitled to assistance from the voter's spouse, brother, sister, parent, grandparent, child, grandchild, mother-in-law, father-in-law, daughter-in-law, son-in-law, stepparent, or stepchild, as chosen by the voter.
- (2) A voter in any of the following four categories is entitled to assistance from a person of the voter's choice, other than the voter's employer or agent of that employer or an officer or agent of the voter's union:
  - a. A voter who, on account of physical disability, is unable to enter the voting booth without assistance.
  - b. A voter who, on account of physical disability, is unable to mark a ballot without assistance.
  - c. A voter who, on account of illiteracy, is unable to mark a ballot without assistance.
  - d. A voter who, on account of blindness, is unable to enter the voting booth or mark a ballot without assistance.

(b) A qualified voter seeking assistance in an election shall, upon arriving at the voting place, request permission from the chief judge to have assistance, stating the reasons. If the chief judge determines that such assistance is appropriate, the chief judge shall ask the voter to point out and identify the person the voter desires to provide such assistance. If the identified person meets the criteria in subsection (a) of this section, the chief judge shall request the person indicated to render the assistance. The chief judge, one of the judges, or one of the assistants may provide aid to the voter if so requested, if the election official is not prohibited by subdivision (a) (2) of this section. Under no

circumstances shall any precinct official be assigned to assist a voter qualified for assistance, who was not specified by the voter.

(c) A person rendering assistance to a voter in an election shall be admitted to the voting booth with the voter being assisted. The State Board of Elections shall promulgate rules governing voter assistance, and those rules shall adhere to the following guidelines:

- (1) The person rendering assistance shall not in any manner seek to persuade or induce any voter to cast any vote in any particular way.
- (2) The person rendering assistance shall not make or keep any memorandum of anything which occurs within the voting booth.
- (3) The person rendering assistance shall not, directly or indirectly, reveal to any person how the assisted voter marked ballots, unless the person rendering assistance is called upon to testify in a judicial proceeding for a violation of the election laws.

#### 4.2.2 CURBSIDE VOTING

A qualified voter who is able to travel to a voting place, but is unable to enter the voting enclosure to vote in person without assistance (whether because of age or physical disability or physical barriers at the voting place) is allowed to vote in the vehicle that conveyed him or her to the site. Every One-Stop site and Election Day polling place provides spaces outside the voting place dedicated to curbside voting. Curbside voters may be assisted in their vehicles according to the same standards that apply to voters who present inside a voting place.

##### **§ 163-166.9. Curbside voting.**

(a) In any election or referendum, if any qualified voter is able to travel to the voting place, but because of age or physical disability and physical barriers encountered at the voting place is unable to enter the voting enclosure to vote in person without physical assistance, that voter shall be allowed to vote either in the vehicle conveying that voter or in the immediate proximity of the voting place.

### 4.3 ABSENTEE VOTING BY-MAIL PROCEDURES

Any North Carolina registered voter who is qualified to vote in an election may request and receive a mail-in absentee ballot for any election in which absentee voting is allowed. No special circumstance or reason is needed to receive and vote a mail-in absentee ballot. For non-military/overseas voters, an absentee ballot must be requested for each election in which a voter desires to vote absentee by-mail. Military or overseas voters have special rights under the *Uniform and Overseas Citizens Absentee Voting Act* (UOCAVA). See [www.fvap.gov](http://www.fvap.gov) for more information on military and overseas citizens absentee voting.

#### 4.3.1 REQUESTING AN ABSENTEE BALLOT

To receive a mail-in absentee ballot for an election, a voter or the voter's near relative (spouse, brother, sister, parent, grandparent, child, grandchild, mother-in-law, father-in-law, daughter-in-law, son-in-law, stepparent, or stepchild) or legal guardian must use the [State Absentee Ballot Request Form](#) to request the ballot.

[State Absentee Ballot Request Forms](#) are available on the State Board's website, [www.NCSBE.gov](http://www.NCSBE.gov), or on county boards of elections' websites. A copy of the form may also be obtained from board of elections offices. It is permissible to make copies of the form for distribution. It is not permissible for candidates, campaigns, individuals or groups to create their own absentee ballot request form.

A signed and completed [State Absentee Ballot Request Form](#) must be received by the county board of elections office no later than 5:00 PM on the Tuesday prior to the date of the election for which the ballot is being requested. The form may be mailed, faxed, e-mailed (meaning the document scanned and attached to an email so that an actual signature is provided), or delivered in person.

Requests that are received *after* the absentee request deadline will not be deemed timely, regardless of any postmark date. Requests forms that are delivered by the deadline to the State Board will be considered timely. In the interest of ensuring that county boards of elections are able to promptly process voters' absentee requests, we strongly recommend that forms be submitted to the appropriate county board of elections.

The table below shows the deadline by which a request for an absentee ballot for an election event in 2018 must be received:

Absentee Ballot Request Deadline	
<b>May Primary Election</b>	Tuesday, May 1, 2018
<b>June Second Primary Election</b>	Tuesday, June 19, 2018
<b>July Second Primary Election</b>	Tuesday, July 10, 2018
<b>November General Election</b>	Tuesday, October 30, 2018

#### 4.3.2 COMPLETING THE STATE ABSENTEE BALLOT REQUEST FORM

The [State Absentee Ballot Request Form](#) may only be signed by the voter or a [near relative](#) or legal guardian of the voter. When completing the form, the voter, [near relative](#), or legal guardian must sign and provide the voter's name, residential address, date of birth, and an identification number for the voter (NC driver license number, NC DMV identification card number, or the last four digits of the voter's social security number). If an identification number is not provided on the form, the voter or requestor must submit, along with the completed form, a copy of one of these documents showing the name and residence address of the voter:

- a current utility bill;
- bank statement;
- government check or paycheck; or
- other government document.


If a [near relative](#) or legal guardian makes the request, the requestor must also provide his or her name and residential address on the request form. If a voter who is seeking a ballot for a partisan primary is registered as *unaffiliated*, the political party in whose primary the voter wishes to participate must be identified.<sup>7</sup> Finally, the voter or requestor must provide the address where the absentee balloting materials shall be mailed if different from the voter's residential address.

If a registered North Carolina voter (including his or her eligible dependents) is absent due to military service or is currently living overseas, only the actual voter is permitted to complete the [State Absentee Ballot Request Form](#). Additional

---

<sup>7</sup> This information enables the board of elections to determine which type of ballot to send to the voter.

information for military and overseas voters is available on the State Board of Elections website ([www.ncsbe.gov](http://www.ncsbe.gov)) or the website of the Federal Voting Assistance Program ([www.FVAP.gov](http://www.FVAP.gov)).

 <b>State Absentee Ballot Request Form</b> North Carolina		NC STATE BOARD OF ELECTIONS P. O. BOX 27255 RALEIGH, NC 27611-7255 PHONE: 1-866-522-4723 FAX: 919-715-0135 <a href="mailto:elections.sboe@ncsbe.gov">elections.sboe@ncsbe.gov</a>	
FRAUDULENTLY OR FALSELY COMPLETING THIS FORM IS A CLASS I FELONY UNDER CHAPTER 163 OF THE NC GENERAL STATUTES.			
I am requesting an absentee ballot for the: _____ on _____ <small style="display: block; text-align: center;">Election Type (Primary, General, Municipal, Special, etc.) Election Date</small>			
<b>Voter Information</b>			
Last Name		First Name	
Middle Name		Suffix	
Date of Birth			
Home Address (NC Residential Address.)		Mailing Address (If different than home address.)	
City	State	Zip Code	
Have you lived at this address for more than 30 days? <input type="checkbox"/> Yes <input type="checkbox"/> No		County of Residence	
Previous Name (if applicable)			
If "No," indicate the date of your move: ____/____/____		Voter Registration No.	
		Optional	
You must provide at least one identification number below. (or see instructions)		Phone (optional)	
NC License or ID Number		Email (optional)	
SSN			
X X X - X X -			
<b>Absentee Voting Information</b>			
Absentee Mailing Address (Where should the ballot be mailed?)		City	
State		Zip Code	
If voter is registered as <i>Unaffiliated</i> and requesting a ballot for a partisan primary, choose a primary ballot preference. <input type="checkbox"/> Democratic <input type="checkbox"/> Republican <input type="checkbox"/> Libertarian <input type="checkbox"/> Non-partisan			
If voter is a patient in a hospital, clinic, nursing home or rest home, please indicate whether you will need assistance in marking your ballot. <input type="checkbox"/> Yes <input type="checkbox"/> No			
If "Yes," what is the name and address of the hospital or facility: _____			
If requesting an absentee ballot on behalf of a near relative, list your name, address, contact information and relationship to the voter:			
Requestor's Name		<input type="checkbox"/> spouse <input type="checkbox"/> brother/sister <input type="checkbox"/> parent <input type="checkbox"/> grandparent <input type="checkbox"/> stepparent <input type="checkbox"/> child <input type="checkbox"/> grandchild <input type="checkbox"/> stepchild <input type="checkbox"/> mother-in-law <input type="checkbox"/> father-in-law <input type="checkbox"/> son-in-law <input type="checkbox"/> daughter-in-law <input type="checkbox"/> legal guardian	
Requestor's Address		Name of Corporation (If appointed legal guardian)	
City	State	Zip Code	
Requestor's Phone		Requestor's Email	
<b>For Military/Overseas Citizens Only (may only be signed by the voter; may not be signed by a near relative/guardian)</b>			
Select one of the options below to qualify as a military or overseas voter: <input type="checkbox"/> Member of the Uniformed Services or Merchant Marine on active duty and currently <u>absent</u> from county of residence <u>or</u> an eligible spouse/dependent. <input type="checkbox"/> U.S. citizen residing outside the U.S. temporarily or indefinitely			
Current Address (Address where you are currently stationed or living overseas.)		Transmit my ballot by:	
		(Military/Overseas Voters Only) <input type="checkbox"/> Mail <input type="checkbox"/> Fax <input type="checkbox"/> Email	
		Fax Number or Email Address	
<b>Signature of Voter (voter only)</b>		<b>Signature of Near Relative/Guardian (if applicable)</b>	
X _____		X _____	
Date		Date	

1. Candidates may distribute blank *State Absentee Ballot Request Forms* to voters.
2. Candidates may not sign the request form for a voter unless the voter is a near relative.
3. Candidates may deliver completed request forms to the board of elections; however, the absentee balloting materials shall be mailed only to the voter.

**§ 163-230.1. Simultaneous issuance of absentee ballots with application (emphasis added).**

(a) A qualified voter who desires to vote by absentee ballot, or that voter's [near relative](#) or verifiable legal guardian, shall complete a request form for an absentee application and absentee ballots so that the county board of elections receives that completed request form not later than 5:00 P.M. on the Tuesday before the election. That completed written request form shall be in compliance with G.S. 163-230.2. The county board of elections shall enter in the register of absentee requests, applications, and ballots issued the information required in G.S. 163-228 as soon as each item of that information becomes available. Upon receiving the completed request form, the county board of elections shall cause to be mailed to that voter a single package that includes all of the following:

- (1) The official ballots that voter is entitled to vote.
- (2) A container-return envelope for the ballots, printed in accordance with G.S. 163-229.
- (3) Repealed by Session Laws 1999-455, s. 10.
- (4) An instruction sheet.

The ballots, envelope, and instructions shall be mailed to the voter by the county board's chairman, member, officer, or employee as determined by the board and entered in the register as provided by this Article.

**§ 163-230.2. Method of requesting absentee ballots (emphasis added).**

(a) Valid Types of Written Requests. – A completed written request form for an absentee ballot as required by G.S. 163-230.1 is valid only if it is on a form created by the State Board and signed by the voter requesting absentee ballots or that voter's [near relative](#) or verifiable legal guardian. The State Board shall make the form available at its offices, online, and in each county board of elections office, and that form may be reproduced. A voter may make a request in person or by writing to the county board for the form to request an absentee ballot. The request form for an absentee ballot shall require at least the following information:

- (1) The name and address of the residence of the voter.
- (2) The name and address of the voter's [near relative](#) or verifiable legal guardian if that individual is making the request.
- (3) The address of the voter to which the application and absentee ballots are to be mailed if different from the residence address of the voter.
- (4) One or more of the following in the order of preference:
  - a. The number of the voter's North Carolina drivers license issued under Article 2 of Chapter 20 of the General Statutes, including a learner's permit or a provisional license.
  - b. The number of the voter's special identification card for nonoperators issued under G.S. 20-37.7.
  - c. The last four digits of the applicant's social security number.
- (5) The voter's date of birth.
- (6) The signature of the voter or of the voter's [near relative](#) or verifiable legal guardian if that individual is making the request.

(a1) A completed request form for an absentee ballot shall be deemed a request to update the official record of voter registration for that voter and shall be confirmed in writing in accordance with G.S. 163-82.14(d).

(a2) The completed request form for an absentee ballot shall be delivered to the county board of elections. If the voter does not include the information requested in subdivision (a)(4) of this section, a copy of a document listed in G.S. 163-166.12(a)(2) shall accompany the completed request form. (a3) Upon receiving a completed request form for an

absentee ballot, the county board shall confirm that voter's registration. If that voter is confirmed as a registered voter of the county, the absentee ballots and certification form shall be mailed to the voter, unless personally delivered in accordance with G.S. 163-230.1(a1). If the voter's official record of voter registration conflicts with the completed request form for an absentee ballot or cannot be confirmed, the voter shall be so notified. If the county board cannot resolve the differences, no application or absentee ballots shall be issued.

(b) Invalid Types of Written Requests. – A request is not valid if it does not comply with subsection (a) of this section. If a county board of elections receives a request for an absentee ballot that does not comply with subsection (a) of this section, the board shall not issue an application and ballot under G.S. 163-230.1.

#### 4.3.3 RECEIVING THE BALLOT

Once absentee ballots are available, the county board of elections will respond to a valid request by mailing an absentee ballot to the address provided on the request form. In 2018, absentee ballots will be available as of the following dates for each election event:

County Canvass	
<b>May Primary Election</b>	Monday, March 19, 2018
<b>June Second Primary Election</b>	As soon as practicable
<b>July Second Primary Election</b>	Saturday, June 2, 2018
<b>November General Election</b>	Friday, September 7, 2018

The absentee balloting materials will consist of:

- a blank official absentee ballot;
- absentee voting instructions; and
- the [Absentee Application and Certificate](#) found on the back of the ballot's container-return envelope.

#### 4.3.4 VOTING AN ABSENTEE BALLOT

In the presence of two witnesses (or one witness if the witness is a Notary Public), the voter should mark the ballot, or if the voter is unable to mark the ballot, shall cause it to be marked according to the voter's instructions. Any person who assisted the voter must also sign and date the certificate in the proper place on the envelope.

Once the ballot is marked, the voter or a person assisting the voter must:

- 1) seal the ballot in the container-return envelope and
- 2) complete the [Absentee Application and Certificate](#) on the back of the ballot container-return envelope.

The voter's two witnesses must, after observing that the voter marking the ballot<sup>8</sup>, complete and sign the envelope in the space designated as *Witnesses' Certification*. If a voter used the services of a Notary Public as a sole witness, the notary

---

<sup>8</sup> A witness should not observe so closely that he or she is able to see what votes the voter marked. What is required is that the witness sees the that the voter is voting the ballot

will sign the *Alternative Notary-Witness Certification*. A notary is not permitted to charge a fee for witnessing an absentee ballot. G.S. § 10B-30.

The following individuals are prohibited from serving as a witness on an absentee ballot:

- A person who is under 18;
- An owner, manager, director, employee of the hospital, clinic, nursing home, or rest home in which the voter is a patient or resident;
- An individual who holds any elective office under the United States, this State, or any political subdivision of this State;
- An individual who is a candidate for nomination or election to such office, unless the voter is the candidate's [near relative](#); or
- An individual who holds any office in a State, congressional district, county, or precinct political party or organization, or who is a campaign manager or treasurer for any candidate or political party; provided that a delegate to a convention shall not be considered a party office.

### **§ 163-226.3. Certain acts declared felonies.**

(a) Any person who shall, in connection with absentee voting in any election held in this State, do any of the acts or things declared in this section to be unlawful, shall be guilty of a Class I felony. It shall be unlawful:

(1) For any person except the voter's [near relative](#) or the voter's verifiable legal guardian to assist the voter to vote an absentee ballot when the voter is voting an absentee ballot other than under the procedure described in G.S. 163-227.2; provided that if there is not a [near relative](#) or legal guardian available to assist the voter, the voter may request some other person to give assistance;

(2) For any person to assist a voter to vote an absentee ballot under the absentee voting procedure authorized by G.S. 163-227.2 except as provided in that section;

(3) For a voter who votes an absentee ballot under the procedures authorized by G.S. 163-227.2 to vote that voter's absentee ballot outside of the voting booth or private room provided to the voter for that purpose in or adjacent to the office of the county board of elections or at the additional site provided by G.S. 163-227.2(f1), or to receive assistance except as provided in G.S. 163-227.2;

(4) For any owner, manager, director, employee, or other person, other than the voter's [near relative](#) or verifiable legal guardian, to (i) make a written request pursuant to G.S. 163-230.1 or (ii) sign an application or certificate as a witness, on behalf of a registered voter, who is a patient in any hospital, clinic, nursing home or rest home in this State or for any owner, manager, director, employee, or other person other than the voter's [near relative](#) or verifiable legal guardian, to mark the voter's absentee ballot or assist such a voter in marking an absentee ballot. This subdivision does not apply to members, employees, or volunteers of the county board of elections, if those members, employees, or volunteers are working as part of a multipartisan team trained and authorized by the county board of elections to assist voters with absentee ballots. Each county board of elections shall train and authorize such teams, pursuant to procedures which shall be adopted by the State Board of Elections. If neither the voter's [near relative](#) nor a verifiable legal guardian is available to assist the voter, and a multipartisan team is not available to assist the voter within seven calendar days of a telephonic request to the county board of elections, the voter may obtain such assistance from any person other than (i) an owner, manager, director, employee of the hospital, clinic, nursing home, or rest home in which the voter is a patient or resident; (ii) an individual who holds any elective office under the United States, this State, or any political subdivision of this State; (iii) an individual who is a candidate for nomination or election to such office; or (iv) an individual who holds any office in a State, congressional

district, county, or precinct political party or organization, or who is a campaign manager or treasurer for any candidate or political party; provided that a delegate to a convention shall not be considered a party office. None of the persons listed in (i) through (iv) of this subdivision may sign the application or certificate as a witness for the patient.

(5) Repealed by Session Laws 1987, c. 583, s. 8.

(6) For any person to take into that person's possession for delivery to a voter or for return to a county board of elections the absentee ballot of any voter, provided, however, that this prohibition shall not apply to a voter's [near relative](#) or the voter's verifiable legal guardian;

(7) Except as provided in subsections (1), (2), (3) and (4) of this section, G.S. 163-231(a), and G.S. 163-227.2(e), for any voter to permit another person to assist the voter in marking that voter's absentee ballot, to be in the voter's presence when a voter votes an absentee ballot, or to observe the voter mark that voter's absentee ballot. (b) The State Board of Elections or a county board of elections, upon receipt of a sworn affidavit from any qualified voter of the State or the county, as the case may be, attesting to first-person knowledge of any violation of subsection (a) of this section, shall transmit that affidavit to the appropriate district attorney, who shall investigate and prosecute any person violating subsection (a).

#### **§ 163-237. Certain violations of absentee ballot law made criminal offenses.**

(a) False Statements under Oath Made Class 2 Misdemeanor. – If any person shall willfully and falsely make any affidavit or statement, under oath, which affidavit or statement under oath, is required to be made by the provisions of this Article, he shall be guilty of a Class 2 misdemeanor.

(b) False Statements Not under Oath Made Class 2 Misdemeanor. – Except as provided by G.S. 163-275(16), if any person, for the purpose of obtaining or voting any official ballot under the provisions of this Article, shall willfully sign any printed or written false statement which does not purport to be under oath, or which, if it purports to be under oath, was not duly sworn to, he shall be guilty of a Class 2 misdemeanor.

(b1) Candidate Witnessing Absentee Ballots of Nonrelative Made Class 2 Misdemeanor. – A person is guilty of a Class 2 misdemeanor if that person acts as a witness under G.S. 163-231(a) in any primary or election in which the person is a candidate for nomination or election, unless the voter is the candidate's near relative as defined in G.S. 163-230.1(f).

(c) Fraud in Connection with Absentee Vote; Forgery. – Any person attempting to aid and abet fraud in connection with any absentee vote cast or to be cast, under the provisions of this Article, shall be guilty of a misdemeanor. Attempting to vote by fraudulently signing the name of a regularly qualified voter is a Class I felony.

(d) Violations Not Otherwise Provided for Made Class 2 Misdemeanors. – If any person shall willfully violate any of the provisions of this Article, or willfully fail to comply with any of the provisions thereof, for which no other punishment is herein provided, he shall be guilty of a Class 2 misdemeanor.

#### **4.3.5 RETURNING THE VOTED BALLOT**

For civilian absentee voters, once the [Absentee Application and Certificate](#) is fully executed with all relevant signatures, the voted ballot (placed inside the container-return envelope) must be returned to the county board of elections no later than 5:00 PM on Election Day.

Absentee ballots received after 5:00 PM on Election Day will be timely *only* if they are received by mail no later than 5:00 PM on the third day following the date of the election, and bear a postmark that is dated on or before Election Day. The table below notes the dates for the “by-mail” exception to the absentee ballot return deadline.

Civilian Absentee Ballot By-mail Receipt Deadline
<b>May Primary Election:</b> Friday, May 11, 2018
<b>June Second Primary Election:</b> Friday, June 29, 2018
<b>July Second Primary Election:</b> Friday, July 20, 2018
<b>November General Election:</b> Friday, November 9, 2018

The envelope may be mailed or delivered in person to either the county board of elections office or to an open one-stop absentee voting site during the early voting period. However, only the voter or the voter’s near relative may take possession of the absentee ballot for purposes of returning the ballot to the board of elections.

***This means that candidates may not take possession of a non-relative’s ballot for purposes of returning the ballot to the board of elections.***

**§ 163-231. Voting absentee ballots and transmitting them to the county board of elections.**

(b) Transmitting Executed Absentee Ballots to County Board of Elections. – The sealed container-return envelope in which executed absentee ballots have been placed shall be transmitted to the county board of elections who issued those ballots as follows:

(1) All ballots issued under the provisions of this Article and Article 21A of this Chapter shall be transmitted by mail or by commercial courier service, at the voter's expense, or delivered in person, or by the voter's near relative or verifiable legal guardian and received by the county board not later than 5:00 p.m. on the day of the statewide primary or general election or county bond election. Ballots issued under the provisions of Article 21A of this Chapter may also be electronically transmitted.

(2) If ballots are received later than the hour stated in subdivision (1) of this subsection, those ballots shall not be accepted unless one of the following applies:

- a. Federal law so requires.
- b. The ballots issued under this Article are postmarked and that postmark is dated on or before the day of the statewide primary or general election or county bond election and are received by the county board of elections not later than three days after the election by 5:00 p.m.
- c. The ballots issued under Article 21A of this Chapter are received by the county board of elections not later than the end of business on the business day before the canvass conducted by the county board of elections held pursuant to G.S. 163-182.5.

(c) For purposes of this section, "Delivered in person" includes delivering the ballot to an election official at a one-stop voting site under G.S. 163-227.2 during any time that site is open for voting. The ballots shall be kept securely and delivered by election officials at that site to the county board of elections office for processing.

It is important that candidates understand all requirements for absentee voting.

# Absentee Guidance for Candidates

## OK

- Candidates may make copies of the State Absentee Ballot Request Form and distribute the forms to voters.

## OK

- Candidates may collect completed State Absentee Ballot Request Form signed by voters and deliver them to the county boards of elections.

## NOT OK

- It is a violation of law for a candidate to witness a voter's absentee application (the form on the back of the return envelope), unless the voter is the candidate's near relative.

## NOT OK

- It is a violation of law for a candidate to take possession of a voter's absentee ballot, regardless of whether the ballot is blank or sealed within the container-return envelope, unless the voter is the candidate's near relative.

## ABSENTEE APPLICATION AND CERTIFICATE

! Envelope must be signed by the voter and in the presence of two (2) witnesses (or one notary-public). !  
Witnesses must also sign and provide their complete address.

FRAUDULENTLY OR FALSELY COMPLETING THIS FORM IS A CLASS I FELONY  
UNDER CHAPTER 163 OF THE NC GENERAL STATUTES.

Affix NON-BARCODE  
Label HERE

Affix BARCODE  
Label HERE

BOARD APPROVAL

Date

**VOTER'S CERTIFICATION** I do hereby certify that I am a duly qualified voter, registered as an affiliate of the political party indicated on this application, that all information represented is correct, and that I am entitled to vote in this election. If I am an Unaffiliated voter voting in a primary election, I am voting in the Party Primary indicated: (DEM) (REP) (LIB). If the party indicated is (UNA), I am voting a nonpartisan ballot.  
I certify that I am making application for an absentee ballot, and that I marked the ballot enclosed herein (or it was marked for me in my presence according to my instructions) in the presence of two (2) witnesses who are at least 18 years of age and who are not disqualified by law to witness the casting of my absentee ballot.

X  
Signature of Voter (Required) Date

Name correction -- (if applicable)

**CERTIFICATION OF PERSON ASSISTING VOTER (if applicable)** I certify that I assisted the voter in marking his or her ballot according to his or her instruction and/or I assisted the voter in signing this certificate because the voter is unable to complete and/or sign this certification.

Name of Person Assisting Voter (if Applicable) Address of Person Assisting Voter

X  
Signature of Person Assisting Voter Date

**SECOND PRIMARY REQUEST or RUNOFF REQUEST** In the event that a Second Primary (or Runoff Election) is called, with my signature below, I request that an absentee application and ballot be issued to me and mailed to me at the address given below.

X  
Signature of Voter (if applicable) Address where application and ballots should be mailed

**ANNUAL REQUEST FOR SICKNESS/PHYSICAL DISABILITY** Due to continued or expected illness or disability, I request that this application be a request for absentee ballots for any other elections to be held this calendar year in which I am eligible to participate.

X  
Signature of Voter (if applicable) Address where application and ballots should be mailed

**WITNESSES' CERTIFICATION** (Two witnesses are required unless witnessed by a notary public)  
I certify that I am at least 18 years of age and am not disqualified by G.S. §163-226.3(a)(4) or G.S. §163-237(b)(1) to assist this voter in marking or witnessing the casting of his/her absentee ballot, and in my presence, the voter marked the enclosed ballot, or caused it to be marked in his/her presence according to his/her instruction, and signed this absentee application and certificate.

X X  
Witness #1 Signature (Required) Witness #2 Signature (Required)

Witness #1 Street Address (Required) Witness #2 Street Address (Required)

Witness #1 City, State, and Zip (Required) Witness #2 City, State, and Zip (Required)

**OR ALTERNATE NOTARY-WITNESS CERTIFICATION** (Use this section only if witnessing this certificate and application as a notary public)

State of \_\_\_\_\_ County of \_\_\_\_\_  
I certify that I am at least 18 years of age and am not disqualified by G.S. §163-226.3(a)(4) or G.S. §163-237(b)(1) to assist this voter in marking or witnessing the casting of his/her absentee ballot.

On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the voter: \_\_\_\_\_  
personally appeared before me, was positively identified, and in my presence, marked the enclosed ballot, or caused it to be marked in his or her presence according to his/her instruction, and signed this absentee application and certificate.

X  
Signature of Notary Public

My Commission expires: \_\_\_\_\_

SEAL

NCSBE v2016.07.06

## ABSENTEE ALERT

A person who is a candidate for nomination or election in the primary or election in which a voter is casting an absentee ballot (unless the candidate is the voter's near relative or legal guardian) may not sign the **Witnesses' Certification** on the absentee envelope. In addition, no person, other than the voter or his/her near relative or legal guardian, may have possession of a person's absentee ballot.

#### 4.3.6 ABSENTEE BALLOT CHALLENGES

The absentee ballot of any voter may be challenged on the day of an election no earlier than noon and ending no later than 5:00 PM. Any registered voter of the same precinct as challenged voter may challenge that voter's absentee ballot. G.S. § 163-89. The burden of proof is on the challenger. Each challenged absentee ballot must be challenged separately.

Each challenged ballot shall be challenged separately, in writing, and on the challenge form provided by the State Board of Elections. The challenge shall be filed with the county board of elections or the chief judge of the precinct in which the challenger and absentee voter are registered. The challenge shall specify the reason(s) the ballot does not comply with North Carolina law or the reason the absentee voter is not legally entitled to vote in the particular primary or election.

All absentee ballot challenges are heard by the county board of elections on the day set for the canvass of the returns.

##### **§ 163-89. Procedures for challenging absentee ballots.**

(a) Time for Challenge. – The absentee ballot of any voter may be challenged on the day of any statewide primary or general election or county bond election beginning no earlier than noon and ending no later than 5:00 P.M., or by the chief judge at the time of closing of the polls as provided in G.S. 163-232 and G.S. 163-258.26(b). The absentee ballot of any voter received by the county board of elections pursuant to G.S. 163-231(b)(ii) or (iii) may be challenged no earlier than noon on the day following the election and no later than 5:00 p.m. on the next business day following the deadline for receipt of such absentee ballots.

(b) Who May Challenge. – Any registered voter of the same precinct as the absentee voter may challenge that voter's absentee ballot.

(c) Form and Nature of Challenge. – Each challenged absentee ballot shall be challenged separately. The burden of proof shall be on the challenger. Each challenge shall be made in writing and, if they are available, shall be made on forms prescribed by the State Board of Elections. Each challenge shall specify the reasons why the ballot does not comply with the provisions of this Article or why the absentee voter is not legally entitled to vote in the particular primary or election. The challenge shall be signed by the challenger.

(d) To Whom Challenge Addressed; to Whom Challenge Delivered. – Each challenge shall be addressed to the county board of elections. It may be filed with the board at its offices or with the chief judge of the precinct in which the challenger and absentee voter are registered. If it is delivered to the chief judge, the chief judge shall personally deliver the challenge to the chairman of the county board of elections on the day of the county canvass.

(e) Hearing Procedure. – All challenges filed under this section shall be heard by the county board of elections on the day set for the canvass of the returns. All members of the board shall attend the canvass and all members shall be present for the hearing of challenges to absentee ballots.

Before the board hears a challenge to an absentee ballot, the chairman shall mark the word "challenged" after the voter's name in the register of absentee ballot applications and ballots issued and in the pollbook of absentee voters. The board then shall hear the challenger's reasons for the challenge, and it shall make its decision without opening the container-return envelope or removing the ballots from it.

The board shall have authority to administer the necessary oaths or affirmations to all witnesses brought before it to testify to the qualifications of the voter challenged or to the validity or invalidity of the ballot.

If the challenge is sustained, the chairman shall mark the word "sustained" after the word "challenged" following the voter's name in the register of absentee ballot applications and ballots issued and in the pollbook of absentee voters; the voter's ballots shall not be counted; and the container-return envelope shall not be opened but shall be marked "Challenge Sustained." All envelopes so marked shall be preserved intact by the chairman for a period of six months from canvass day or longer if any contest then is pending concerning the validity of any absentee ballot.

If the challenge is overruled, the absentee ballots shall be removed from the container-return envelopes and counted by the board of elections, and the board shall adjust the appropriate abstracts of returns to show that the ballots have been counted and tallied in the manner provided for unchallenged absentee ballots.

If the challenge was delivered to the board by the chief judge of the precinct and was sustained, the board shall reopen the appropriate ballot boxes, remove such ballots, determine how those ballots were voted, deduct such ballots from the returns, and adjust the appropriate abstracts of returns.

Any voter whose ballots have been challenged may, either personally or through an authorized representative, appear before the board at the hearing on the challenge and present evidence as to the validity of the ballot.

#### 4.3.7 ABSENTEE DATA FILES

A record of voters who have requested absentee ballots is available through the State Board website at:

<http://dl.ncsbe.gov/index.html?prefix=ENRS/> (Look for the election event date and the zip files entitled "absentee").

These files will continue to be updated through the county canvass date for the election.

## 4.4 PROVISIONAL VOTING SUMMARY

A provisional ballot is offered to voters when there are questions about:

- a voter's qualification to vote;
- the voter's eligibility to vote in a particular election; or
- the voter's eligibility to vote a particular ballot style.

The determination of whether a provisional voter's ballot will be counted is contingent upon the verification of the voter's eligibility to vote the ballot. Provisional research is conducted after each election to determine whether the provisional ballots cast are eligible to be counted. The decision whether to approve any provisional ballot is made by the members of the county boards of elections before the results of the election are finalized at the time of the county canvass.

Provisional voting is fail-safe voting; no one who wishes to vote is turned away. A person who presents to vote but whose eligibility is in question is always given the opportunity to cast a provisional ballot the same day.

#### **§ 163-166.11. Provisional voting requirements.**

If an individual seeking to vote claims to be a registered voter in a jurisdiction as provided in G.S. 163-82.1 and though eligible to vote in the election does not appear on the official list of eligible registered voters in the voting place, that individual may cast a provisional official

ballot as follows:

- (1) An election official at the voting place shall notify the individual that the individual may cast a provisional official ballot in that election.
- (2) The individual may cast a provisional official ballot at that voting place upon executing a written affirmation before an election official at the voting place, stating that the individual is a registered voter in the jurisdiction as provided in G.S. 163-82.1 in which the individual seeks to vote and is eligible to vote in that election.
- (2a) A voter who has moved within the county more than 30 days before election day but has not reported the move to the board of elections shall not be required on that account to vote a provisional ballot at the one-stop site, as long as the one-stop site has available all the information necessary to determine whether a voter is registered to vote in the county and which ballot the voter is eligible to vote based on the voter's proper residence address. The voter with that kind of unreported move shall be allowed to vote the same kind of absentee ballot as other one-stop voters as provided in G.S. 163-227.2(e2).
- (3) At the time the individual casts the provisional official ballot, the election officials shall provide the individual written information stating that anyone casting a provisional official ballot can ascertain whether and to what extent the ballot was counted and, if the ballot was not counted in whole or in part, the reason it was not counted. The State Board of Elections or the county board of elections shall establish a system for so informing a provisional voter. It shall make the system available to every provisional voter without charge, and it shall build into it reasonable procedures to protect the security, confidentiality, and integrity of the voter's personal information and vote. (4) The cast provisional official ballot and the written affirmation shall be secured by election officials at the voting place according to guidelines and procedures adopted by the State Board of Elections. At the close of the polls, election officials shall transmit the provisional official ballots cast at that voting place to the county board of elections for prompt verification according to guidelines and procedures adopted by the State Board of Elections.
- (5) Repealed by Session Laws 2014-111, s. 12(b), effective August 6, 2014

#### 4.4.1 PROVISIONAL PROCEDURES

When a person who presents to vote is not found in the pollbook or may otherwise be ineligible to vote a regular ballot, a voting site official will provide a [Help Referral](#) form that explains why that voter will be offered a provisional ballot. The official will also direct the voter to the **Help Station** to receive guidance in casting a provisional ballot.

#### 4.4.2 PROVISIONAL VOTING PACKET

An election official at the **Help Station** will help the voter complete a [Provisional Voting Application](#) and will issue the voter a provisional ballot and envelope. The voter will be instructed to:

1. vote the ballot in private;
2. seal the voted ballot in the provisional envelope and;
3. return the sealed envelope to the **Help Station**.

#### 4.4.3 PROVISIONAL VOTER INSTRUCTIONS

The **Help Station** election official will further:

1. provide the voter a provisional identification number (PIN);
2. provide the voter instructions on how to use the PIN and the voter's date of birth to check the status of his or her provisional ballot application after election day;

3. inform the voter that the application status will not be available until at least ten days after the date of the election; and
4. inform the voter of what steps, if any, the voter may take to assist with approval of the application.

For example, if a first-time voter cast a provisional ballot because the registration record indicates that at the time of registration, he or she failed to provide a required document (such as a utility bill or bank statement showing the voter's name and current residence), the official will instruct the voter to provide this missing information to the county board of elections before close of business on the day before canvass.

There are multiple reasons a voter may need to cast a provisional ballot:

#### PROVISIONAL VOTING REASONS

NO RECORD OF REGISTRATION	Used when no record of registration for the voter can be found in the voter record.
UNREPORTED MOVE	Used when a voter provides an address within the county of his or her registration that is different than the voter's current registration address, and the voter indicates that he or she moved to the new address 30 or more days prior to Election Day.
PREVIOUSLY REMOVED	Used when it is determined that a voter was previously registered in the county but the voter's registration was cancelled for some reason. A voter's registration may be cancelled due to any number of reasons (moved within state; moved to another state; felony conviction; removed due to list maintenance; sustained challenge; deceased, etc.)
UNRECOGNIZED ADDRESS (GEOCODE ISSUE)	Used when the precinct official or early voting worker is unable to locate the address stated by the voter in the county's street lookup files.
INCORRECT PRECINCT	Used when a voter is requesting to vote at a polling place on Election Day that is not the polling place for the voter's proper precinct. The voter's proper precinct is the precinct assigned to the voter based on the voter's address at least 30 days prior to Election Day.
INCORRECT PARTY	Used only in a partisan primary election when a voter requests to vote a ballot for a party other than the party with which the voter appears to be affiliated.
VOTER ALREADY VOTED	Used if the voter record indicates that the voter presenting to vote has already cast a ballot in the election.
JURISDICTION DISPUTE	Used if a voter presents to vote and has no eligible ballot style or the voter requests to vote for an election contest that is not in the voter's assigned voting district based on their legal voting residence.
VOTED DURING EXTENDED HOURS	Used if the hours for voting are extended by the State Board of Elections or a court order.

#### 4.4.4 PROVISIONAL RESEARCH

Before the election results are officially canvassed, provisional ballots are researched to determine whether they are eligible to be counted or partially counted. Elections officials at the voting sites return all provisional envelopes to the county board of elections. County board of elections staff research the underlying issue(s) and report their findings to the county board of elections members. Decisions are made by the board members prior to finalizing election results. If a provisional application is approved, the ballot will be removed from the sealed envelope and be fully counted or partially counted, depending upon the voter's eligibility. Ballots are only partially counted if the voter is not entitled to vote for all of the contests on the ballot. If a provisional application is not approved, the ballot will remain sealed in its envelope.

#### 4.4.5 PROVISIONAL DATA FILES

A record of provisional transactions for an election event may be found on the State Board of Elections website, at <http://dl.ncsbe.gov/index.html?prefix=ENRS/> (Look for the election event date and then the zip files entitled "provisional"). Provisional transactions for an election event become available the day after Election Day and will continue to be updated until the day of the election's county canvass.

## 5 ELECTION RESULTS

All election results on election night are unofficial. Election results are not made official until all relevant canvasses are completed (the county canvass for local contests and the state canvass for multicounty or statewide contests)

### ABSENTEE BALLOTS

Absentee ballots (including one-stop absentee ballots) are counted at 5:00 PM on Election Day; in some cases, they may be counted as early as 2:00 PM. County boards of elections may not release absentee results until after the close of the polls. Absentee ballots that are timely received *after* election day, will be counted at or prior to the county's canvass meeting.

### ELECTION DAY BALLOTS

Ballots cast on election day are counted after the close of the polls. Polls close at 7:30 PM.

### PROVISIONAL BALLOTS

Provisional ballots are researched after Election Day. If the provisional voter is determined to be eligible, his or her ballot will be counted at or prior to the county's canvass meeting.

#### § 163-182.1. Principles and rules for counting official ballots.

(a) General Principles That Shall Apply. – The following general principles shall apply in the counting of official ballots, whether the initial count or any recount:

- (1) Only official ballots shall be counted.
- (2) No official ballot shall be rejected because of technical errors in marking it, unless it is impossible to clearly determine the voter's choice.
- (3) If it is impossible to clearly determine a voter's choice in a ballot item, the official ballot shall not be counted for that ballot item, but shall be counted in all other ballot items in which the voter's choice can be clearly determined.
- (4) If an official ballot is marked in a ballot item with more choices than there are offices to be filled or propositions that may prevail, the official ballot shall not be counted for that ballot item, but shall be counted in all other ballot items in which there is no overvote and the voter's choice can be clearly determined.
- (5) If an official ballot is rejected by a scanner or other counting machine, but human counters can clearly determine the voter's choice, the official ballot shall be counted by hand and eye.
- (6) Write-in votes shall not be counted in party primaries or in referenda, but shall be counted in general elections if all of the following are true:
  - a. The write-in vote is written by the voter or by a person authorized to assist the voter pursuant to G.S. 163-166.8.
  - b. The write-in vote is not cast for a candidate who has failed to qualify under G.S. 163-123 as a write-in candidate.
  - c. The voter's choice can be clearly determined.

(7) Repealed by Session Laws 2013-381, s. 32.2, effective January 1, 2014.

(b) Procedures and Standards. – The State Board of Elections shall adopt uniform and nondiscriminatory procedures and standards for voting systems. The standards shall define what constitutes a vote and what will be counted as a

vote for each category of voting system used in the State. The State Board shall adopt those procedures and standards at a meeting occurring not earlier than 15 days after the State Board gives notice of the meeting. The procedures and standards adopted shall apply to all elections occurring in the State and shall be subject to amendment or repeal by the State Board acting at any meeting where notice that the action has been proposed has been given at least 15 days before the meeting. These procedures and standards shall not be considered to be rules subject to Article 2A of Chapter 150B of the General Statutes. However, the State Board shall publish in the North Carolina Register the procedures and standards and any changes to them after adoption, with that publication noted as information helpful to the public under G.S. 150B-21.17(a)(6). Copies of those procedures and standards shall be made available to the public upon request or otherwise by the State Board. For optical scan and direct record electronic voting systems, and for any other voting systems in which ballots are counted other than on paper by hand and eye, those procedures and standards shall do both of the following:

(1) Provide for a sample hand-to-eye count of the paper ballots of a statewide ballot item in every county. The presidential ballot item shall be the subject of the sampling in a presidential election. If there is no statewide ballot item, the State Board shall provide a process for selecting district or local ballot items to adequately sample the electorate. The State Board shall approve in an open meeting the procedure for randomly selecting the sample precincts for each election. The random selection of precincts for any county shall be done publicly after the initial count of election returns for that county is publicly released or 24 hours after the polls close on election day, whichever is earlier. The sample chosen by the State Board shall be of one or more full precincts, full counts of mailed absentee ballots, full counts of one or more one-stop early voting sites, or a combination. The size of the sample of each category shall be chosen to produce a statistically significant result and shall be chosen after consultation with a statistician. The actual units shall be chosen at random. In the event of a material discrepancy between the electronic or mechanical count and a hand-to-eye count, the hand-to-eye count shall control, except where paper ballots have been lost or destroyed or where there is another reasonable basis to conclude that the hand-to-eye count is not the true count. If the discrepancy between the hand-to-eye count and the mechanical or electronic count is significant, a complete hand-to-eye count shall be conducted.

(2) Provide that if the voter selects votes for more than the number of candidates to be elected or proposals to be approved in a ballot item, the voting system shall do all the following:

- a. Notify the voter that the voter has selected more than the correct number of candidates or proposals in the ballot item.
- b. Notify the voter before the vote is accepted and counted of the effect of casting overvotes in the ballot item.
- c. Provide the voter with the opportunity to correct the official ballot before it is accepted and counted

## 5.1 COUNTY CANVASS

The county canvass meeting is the meeting that culminates in a county's election results becoming official. The county canvass meeting is conducted 10 days after Election Day. During the 10-day canvass period, county boards of elections will also count eligible civilian, military or overseas absentee ballots that are received after Election Day. Until the county canvass, all election results posted by the county or by the State Board of Elections are unofficial.

These are the specific dates for the 2018 county canvass meetings:

Election Event	County Canvass
May Primary Election	Friday, May 18, 2018 (11 AM)
June Second Primary Election	Friday, July 6, 2018 (11 AM)
July Second Primary Election	Friday, July 27, 2018 (11 AM)
November General Election	Friday, November 16, 2018 (11 AM)

## 5.2 STATE CANVASS

National offices, state offices, multi-county legislative offices, superior court judge, district court judge, district attorney, and statewide and multi-county referenda contests must be canvassed by the State Board. Local contests, for election districts that are in more than one county, including cities, towns or villages that lie in more than county, must also be canvassed by the State Board. The date for any primary or second primary will be set by the State Board closer to the time of the election event. The date of the State Canvass for the November general election is **Tuesday, November 27, 2018** at 11:00 AM.

### § 163-182.5. Canvassing votes.

(a) The Canvass. – As used in this Article, the term "canvass" means the entire process of determining that the votes have been counted and tabulated correctly, culminating in the authentication of the official election results. The board of elections conducting a canvass has authority to send for papers and persons and to examine them and pass upon the legality of disputed ballots.

(b) Canvassing by County Board of Elections. – The county board of elections shall meet at 11:00 A.M. on the tenth day after every election to complete the canvass of votes cast and to authenticate the count in every ballot item in the county by determining that the votes have been counted and tabulated correctly. If, despite due diligence by election officials, the initial counting of all the votes has not been completed by that time, the county board may hold the canvass meeting a reasonable time thereafter. The canvass meeting shall be at the county board of elections office, unless the county board, by unanimous vote of all its members, designates another site within the county. The county board shall examine the returns from precincts, from absentee official ballots, from the sample hand-to-eye paper ballot counts, and from provisional official ballots and shall conduct the canvass.

(c) Canvassing by State Board of Elections. – After each general election, the State Board of Elections shall meet at 11:00 A.M. on the Tuesday three weeks after election day to complete the canvass of votes cast in all ballot items within the jurisdiction of the State Board of Elections and to authenticate the count in every ballot item in the county by determining that the votes have been counted and tabulated correctly. After each primary, the State Board shall fix the date of its canvass meeting. If, by the time of its scheduled canvass meeting, the State Board has not received the county canvasses, the State Board may adjourn for not more than 10 days to secure the missing abstracts. In obtaining them, the State Board is authorized to secure the originals or copies from the appropriate clerks of superior court or county boards of elections, at the expense of the counties.

## 6 CAMPAIGN ETIQUETTE

### 6.1 NO ELECTIONEERING NEAR THE FRONT ENTRANCE TO A VOTING SITE

No electioneering may occur within the area immediately outside of the front entrance of a voting place. This area will be marked by signage to designate the area of the “buffer zone,” which is typically 50 feet from the front entrance but in any case must be at least 25 feet from the front entrance. Persons may not engage in electioneering in this restricted area. If a political sign is placed in this restricted area, it will be removed. Every voting site will offer curbside voting in a designated area, to allow voters with disabilities to cast their vote in a vehicle. If curbside voting is located outside of the “buffer zone,” electioneering restrictions will be in place to ensure the privacy of curbside voters. For more information about the area in which electioneering is restricted for a specific voting site, please contact your county board of elections office.

### 6.2 ISSUES OR COMPLAINTS AT VOTING SITES

Any issue or complaint relating to a voting site should first be brought to the attention of the polling place’s chief judge (or, in the case of a One-Stop early voting site, the manager of the voting site). If the issue cannot be resolved by the election official at the voting site, the relevant county board of elections office should be contacted.

## 7 CAMPAIGN FINANCE INFORMATION

The information provided in this part of the guide is relevant to candidates seeking offices in State, county and municipal elections. Candidates filing for legislative seats must file all campaign finance reports with the State Board of Elections. Only candidates for county or other local offices will file campaign disclosure reports with their county boards of elections.

The statutes relevant to candidate campaign finance are included in Article 22A of Chapter 163 of the North Carolina General Statutes. These statutes may be reviewed at the following link:

<http://www.ncga.state.nc.us/gascripts/statutes/Statutes.asp>.

Please enter “163” in the “Look up” box and scroll down to Article 22A.

If legislative action or legal developments affect the information within this document, such changes will be noted and made available on the Campaign Finance section of the website of the State Board.

### 7.1 ORGANIZING THE COMMITTEE

#### 7.1.1 WHEN IS A CANDIDATE REQUIRED TO SET UP A COMMITTEE?

An individual must file organizational paperwork with the appropriate board of elections office within 10 days of whichever of these actions occurs first:

- any money is spent or received (including in-kind contributions) in support of a candidacy; or
- a notice of candidacy or petition requesting to be a candidate is filed; or
- a person is certified as the nominee of a political party for a vacancy; or
- a person makes a public announcement of his or her definite intent to run for public office in a particular election.

The appropriate board of elections is the State Board if the candidate is running for statewide, judicial or legislative office, and the county board if the candidate is running for a municipal or county office.

#### 7.1.2 WHAT FORMS ARE REQUIRED TO SET UP THE COMMITTEE?

The organizational paperwork must include:

- Statement of Organization-Candidate Committee (**CRO-2100A**)
- Certification of Treasurer (**CRO-3100**)
- Certification of Financial Account Number Information (**CRO-3500**). Some banks will not set up an account for a committee until the committee is registered with the board of elections. In such a circumstance, a candidate shall provide the completed form as soon as the account is established.
- Organizational Report\* (**CRO-1000, CRO-1100** and any additional forms required for detailed disclosure). The CRO1100, “Detailed Summary,” provides guidance as to what additional forms are required by citing each form number that corresponds to the listed transactions. Thus, for every line upon which a dollar amount has been entered, the form that must be filled out and submitted with the report is indicated in parentheses.

\*If you are a candidate eligible to file a Certification of Threshold, the Organizational Report is not required. (See the next section to determine Threshold eligibility.)

The organizational paperwork *should* also include the “Candidate Designation of Committee Funds” form (**CRO-3900**). This optional form is recommended to ensure the candidate’s choice of committee fund distribution in the event that the candidate dies before the committee is closed.

### 7.1.3 WHAT IS MEANT BY CERTIFICATION OF THRESHOLD?

If a **county or municipal candidate** does not intend to raise or spend more than **\$1,000** in the election cycle, he or she may file a certification to that effect on the “Certification of Threshold” form (**CRO-3600**). As long as the committee remains under the threshold, the candidate does not have to file disclosure reports, which means that his or her organizational paperwork should consist only of CRO forms 2100A, 3100, 3500 and 3600.

**Note:** All monies raised or spent count towards the \$1,000 threshold, including money that the candidate spends out of personal funds, in-kind contributions, loans etc.

A committee that intends to remain under the threshold must submit form CRO-3600 at the beginning of each election cycle OR upon organizing the committee (within the ten-day period allotted for submitting the organizational report).

Threshold committees that wish to close after the election must submit a Certification to Close Committee form, CRO-3400, by the end of the election year.

Please note that the option to file the Certification of Threshold is available **ONLY** to candidates seeking **county or municipal** offices. Candidates for legislative, judicial and statewide races are not eligible to file a Certification of Threshold.

### 7.1.4 WHAT IS TREASURER TRAINING AND WHO IS REQUIRED TO COMPLETE THE TRAINING?

Treasurer training is a mandatory course that provides instruction on campaign finance disclosure filing and compliance. The training is conducted in group sessions at the State Board and at regional locations at various times during the year. Training is also available online. Visit our website at [www.ncsbe.gov](http://www.ncsbe.gov) for details. All treasurers **MUST** complete treasurer training within three months of appointment and once every four years, regardless of the amount of money that is raised or spent. Treasurers for candidates that are eligible to file the Certification of Threshold must also complete the required training.

## 7.2 DISCLOSURE REPORTING

### 7.2.1 ARE ALL CANDIDATES REQUIRED TO FILE DISCLOSURE REPORTS?

**MOST** candidates are required to file disclosure reports. Only candidates for county or municipal offices that do not intend to raise or spend more than \$1,000 are eligible to file a Certification of Threshold and thus be exempt from filing disclosure reports.

While eligible candidates who file a Certification of Threshold are not required to file reports, all information pertaining to contributions and expenditures are required to be accurately maintained in the committee’s records. This includes records of the candidate’s personal spending on behalf of the campaign.

### 7.2.2 WHEN ARE DISCLOSURE REPORTS FILED?

The State Board or county board of elections will provide notice before each report is due. For municipal elections, notices will be sent no fewer than five days and no more than 15 days before the due date. For all other elections,

notices will be sent no fewer than five days and no more than 30 days before the due date. Notice will be sent to the treasurer of each candidate committee that is required to file.

The reporting schedule for 2018 State and County Elections can be found below.

<b>2018 State and County Reporting Schedule</b>			
<b>Report Name</b>	<b>Period Start Date</b>	<b>Period End Date</b>	<b>Report Due Date</b>
First Quarter	1/1/2018	4/21/2018	4/30/2018
Second Quarter	4/22/2018	6/30/2018	7/11/2018
Mid-Year Semi Annual*	1/1/2018	6/30/2018	7/27/2018
Third Quarter Plus	7/1/2018	10/20/2018	10/29/2018
Fourth Quarter	10/21/2018	12/31/2018	1/10/2019
Year-End Semi Annual*	7/1/2018	12/31/2018	1/25/2019

\*The Mid-Year Semi Annual and Year-End Semi Annual reports are only due from candidates that are NOT participating in the 2018 elections.

<b>Report Name</b>	<b>48 Hour Report Period</b>	<b>Report Due Date</b>
48-Hour Report - Primary	4/22/2018 – 5/8/2018	within 48 hours of receipt
48-Hour Report - Primary	10/21/2018 – 11/6/2018	within 48 hours of receipt
48 Hour Reports are required to be filed with 48 hours if a contribution of \$1,000 or more is received during the 48 Hour Report Period.		

### 7.3 WHAT IS INCLUDED IN A DISCLOSURE REPORT?

All disclosure reports must include the Disclosure Report Cover form (CRO-1000), the Detailed Summary form (CRO-1100), and details for all contributions and expenditures occurring within the reporting period.

The Disclosure Report Cover is essential for showing the start and end dates of the transactions included, the type of report being submitted, and for providing a signature that attests to the veracity of the report. A candidate/treasurer who signs a report must have completed the required training (unless the report is filed within the 90-day training grace period).

The Detailed Summary form is also required even if there has been no financial activity, in which case zeroes should be entered on the appropriate lines. However, if contributions have been received or expenditures made or debts incurred, additional forms containing those transactions must be included with the report.

A helpful hint to remember when completing disclosure reports using our paper forms is that the Detailed Summary form (CRO-1100) serves as a forms guide as well as a summary of activity. The treasurer should refer to the transactions described on this form to determine which other forms, if any, are required to accompany the report. The required form for each transaction is noted on the same line as the transaction description.

This process is simpler for persons who use State Board software because the software generates the appropriate form for each transaction.

#### 7.3.1 WHAT METHODS ARE AVAILABLE FOR FILING DISCLOSURE REPORTS?

All committees may file disclosure reports electronically. Free software is available on the State Board website. All committees with a cumulative total of more than \$5,000 in contributions, in expenditures, or in loans to affect elections for statewide offices (governor, council of state, appellate judicial) are required by law to file reports electronically. G.S. § 163278.9(j). Other candidates who have a cumulative total of more than \$10,000 in contributions, in expenditures, or in loans are required to file electronically. The Campaign Finance Remote Software can be downloaded from the State Board website at <http://www.ncsbe.gov/Campaign-Finance/reporting-software>.

All other committees may file on paper forms. The Campaign Finance Reporting Forms can be found on the website at <http://www.ncsbe.gov/Campaign-Finance/reporting-forms>.

#### 7.3.2 ARE THERE PENALTIES FOR FILING DISCLOSURE REPORTS LATE?

Yes. Committees will be assessed civil penalties for reports that are not received or postmarked by the report due date.

A candidate committee report that does not affect a statewide election is penalized at \$50 per day up to a maximum of \$500.

A candidate committee report that does affect a statewide election is penalized at a rate of \$250 per day up to a maximum of \$10,000. A report is considered to affect a statewide election if the committee made any contributions to or in support of a statewide candidate.

A committee's active status may be terminated for failure to file reports and pay assessed penalties. Once the committee's active status is terminated, the committee is not eligible to receive contributions or make expenditures.

#### 7.3.3 PLEASE REMEMBER, WHEN SUBMITTING PAPERWORK . . .

Forms must be typewritten or completed in blue or black ink.

Forms need not be stapled together.

Reports cannot be filed prior to the end of the reporting period.

Always enter the period start date and period end date on form CRO-1000.

A DATE and ORIGINAL signature are required on the Disclosure Report Cover (CRO-1000).

### 7.4 CAMPAIGN FINANCE LAW REGARDING CONTRIBUTIONS AND EXPENDITURES

#### 7.4.1 WHAT IS THE LAW REGARDING CONTRIBUTIONS?

- A contribution is anything of value given to support the candidate or candidate committee. Contributions include those received "in-kind," which are goods and services given to support a candidate or committee (for example, food contributed by individuals for fundraising events). Candidates required to file disclosure reports must report all contributions. Intentionally failing to report contributions is a felony.
- If a contributor contributes \$50 or less for the entire election period, that contributor's name, employment and contact information are not required to be reported. Such contributions may be reported on a form CRO-1205, which requires disclosure of only the date, amount, and form of payment. HOWEVER, please note that the

treasurer must nevertheless collect that contributor's name, address and employment information. This information must be kept on file by the treasurer, since any contributor may eventually exceed \$50 and become subject to full disclosure.

- Only individuals, other NC political committees and qualified entities may make contributions to a candidate committee. For "qualified entities," see NCGS §163-278.19(f).
- Effective January 1, 2017, the contribution limit is \$5,200 per election (except that candidates and their spouses may make unlimited contributions to the candidate's committee). The election period is:
  - the day after the date of the last election for the candidate through the date of the primary. (If the candidate did not seek election since the date of the last election for the office sought, the election period begins the day after the last election for the office sought through the day of the primary.
  - the day after the primary through the day of the second primary (only for candidates on the ballot in the second primary), or
  - the day after the primary through the day of the general election.
- Funds can be raised without regard to whether the candidate is opposed or unopposed in the election.
- National, state, district or county executive committees of any political party and affiliated party committees may give unlimited contributions to the candidate's committee. For the purposes of this section, "political party" means only a political party recognized under G.S. §163-96. See G.S. § 163-278.13(e).
- Contributions from corporations, business entities, labor unions, professional associations, and insurance companies are prohibited. Unregistered political committees are also prohibited from making contributions.
- Anonymous contributions are prohibited. This includes any funds (contributions) raised for which contributor contact information is not obtained, such as "pass the hat" collections, fundraisers or other instances in which contributions are collected without the name of the contributor being obtained. The contributor name and contact information MUST be collected by the committee even if the contributor name is not required to be reported.
- All contributions of more than \$50 must be made with a verifiable form of payment. No cash contributions of more than \$50 may be accepted. This includes cash given to the campaign by the candidate.
- No contribution may be given in the name of another.
- All prohibited contributions are subject to forfeiture to the NC Civil Penalty and Forfeiture Fund. A person who knowingly receives prohibited contributions is also subject to criminal penalties.

#### 7.4.2 WHAT IS THE LAW REGARDING EXPENDITURES?

- Candidate committees may only make expenditures for nine purposes:
  - 1) Expenditures resulting from the campaign for public office by the candidate or candidate's campaign committee.
  - 2) Expenditures resulting from holding public office.
  - 3) Donations to an organization described in Section 170(c) of the Internal Revenue Code of 1986 (26 U.S.C. § 170(c)), provided that the candidate or the candidate's spouse, children, parents, brothers, or sisters are not employed by the organization.
  - 4) Contributions to a national, State, or district or county committee of a political party or a caucus of the political party.

- 5) Contributions to another candidate or candidate's campaign committee.
  - 6) To return all or a portion of a contribution to the contributor.
  - 7) Payment of any penalties against the candidate or candidate's campaign committee for violation of this Article imposed by a board of elections or a court of competent jurisdiction.
  - 8) Payment to the Escheat Fund established by Chapter 116B of the General Statutes.
  - 9) Legal expense donation not in excess of four thousand dollars (\$4,000) per calendar year to a legal expense fund established pursuant to Article 22M of Chapter 163 of the General Statutes.
- If the candidate committee is required to file disclosure reports, all expenditures must be reported.
  - Any expenditure that is made for **media** purposes must be paid for by check or other verifiable form of payment. All expenditures of more than \$50 must be made with a verifiable form of payment.
  - Expenditures for non-media purposes that are less than \$50 may be reported without disclosing the payee. The report must still disclose the form of payment, date, amount, purpose and account code for the account from which the expenditure was made.

### 7.4.3 HELPFUL HINTS

- Do not “pass the hat” or collect any contributions, however small the amount, without recording the contributor name and contact information.
- Do not accept cash from a contributor in excess of \$50.
- Do not accept a contribution, including an “in-kind” contribution, from a business, corporation, professional association, labor union or insurance company.
- A person who purchases something from a candidate fundraiser has made a contribution to that candidate’s committee. All such contributions, however small, must be disclosed.
- Volunteers raising contributions on behalf of the committee must turn those over to the treasurer within seven days of receipt so that the records are current, as required by State law.
- Do not accept blank checks. The contributor must indicate the intended recipient on the payee line of the check.

## 7.5 MEDIA REQUIREMENTS

### 7.5.1 WHAT IS A LEGEND?

A legend is the disclosure statement included on print media, TV and radio advertisements: “Paid for by....”

### 7.5.2 WHAT PRINT MEDIA ADVERTISEMENTS REQUIRE THE LEGEND?

Newspaper ads, newspaper inserts, airplane streamers, pamphlets, billboards, sound truck advertising, portable signs (lighted or non-lighted; may be on wheels to be pulled around), periodicals, TV ads, radio ads, outdoor advertising facilities, magazines, cards of any size, fliers, mass mailings (20,000 or more households, cumulative per election, in a statewide election and 2,500 households, cumulative per election, in any other election).

### 7.5.3 ARE THERE PRINT MEDIA ADVERTISEMENTS THAT DO NOT REQUIRE THE LEGEND?

Yes. Buttons, bumper stickers, yard signs, window posters (approximately 14 x 22 inches and posters used in stores, on stakes in yards, etc.), barn posters made at generally no cost (3 x 5 ft.), campaign paraphernalia such as balloons, shopping bags, nail files, etc., imprinted with a campaign message.

#### 7.5.4 AM I REQUIRED TO PUT THE LEGEND ON A PALM CARD/BUSINESS CARD?

Yes.

#### 7.5.5 WHAT ARE THE SIZE REQUIREMENTS FOR THE LEGEND?

For print media, the legend must be 5% of the printed space of the ad or 12-point type, whichever is greater.

For television, the visual disclosure legend must be 4% of vertical picture height. Effective January 1, 2014, television advertisements that are paid for by a candidate or candidate campaign committee must contain an easily identifiable photograph of the candidate for at least two seconds appearing simultaneously with the visual disclosure legend.

For radio, the disclosure statement must last at least two seconds, provided the statement is spoken so that its contents may be easily understood.

#### 7.5.6 WHAT INFORMATION MUST BE INCLUDED IN THE LEGEND STATEMENT?

Please refer to the Media section in the 2017 Campaign Finance Manual that is available on the State Board website [www.ncsbe.gov](http://www.ncsbe.gov).

## Mandatory Compliance Training

### For NC Candidate, Party & Referendum Committee Treasurers

**(This training is not for PACs or IE Committees\*)**

(Training is required once every four years for all NC Treasurers including those under the \$1,000 threshold)

#### 2018 Mandatory In-Person – State and Regional Training Schedule

County	Date	Time	Location
State/Raleigh	3/2	9:00-1:00	Innovation Center (iCenter) Bldg. – Room 1210 – 217 W. Jones St., Raleigh
Chatham	3/6	1:00-5:00	Board of Elections Office - 984-D Thompson Street, Pittsboro
Craven	3/8	1:00-5:00	Board of Elections - Craven Govt. Complex – 406 Craven Street, New Bern
Beaufort	3/9	9:00-1:00	Beaufort County Board of Elections - 1308 Highland Drive Suite 104, Washington
Burke	3/13	1:00-5:00	Foothills Higher Education Center – 2128 South Sterling Street, Morganton
Catawba	3/14	9:00-1:00	Sherrills Ford-Terrell Library - 9154 Sherrills Ford Road, Terrell
Stanly	3/15	9:00-1:00	Stanly County Commons - 1000 N First Street, Albemarle
Granville	3/16	9:00-1:00	Richard H. Thornton Library - 210 Main Street, Oxford
Moore	3/20	9:00-1:00	Moore County Board of Elections Training Facility 700 Pinehurst Avenue, Carthage
State/Raleigh	3/23	9:00-1:00	Innovation Center (iCenter) Bldg. – Room 1210 – 217 W. Jones St., Raleigh
Wilkes	3/27	1:00-5:00	Wilkes AG Center - 416 Executive Dr., Wilkesboro
Forsyth	3/28	9:00-1:00	Forsyth County Gov't Center - 201 N. Chestnut St., Winston Salem
Wayne	4/4	9:00-1:00	Wayne County Board of Elections, 209 S William St., Goldsboro
New Hanover	4/5	9:00-1:00	Government Center - 230 Government Center Drive, Suite 135, Wilmington
Graham	4/9	9:00-1:00	Graham County Community Building - 196 Knight Street, Robbinsville
Haywood	4/10	9:00-1:00	Haywood County Senior Resource Center - 81 Elmwood Way, Waynesville
Scotland	4/12	1:00-5:00	Scotland County Annex - 231 E. Cronly Street, Laurinburg
Bladen	4/13	9:00-1:00	Powell-Melvin Ag Center – 450 Smith Circle, Elizabethtown
Edgecombe	4/16	9:00-1:00	Edgecombe County Auditorium - 201 St. Andrew Street, Tarboro
Hertford	4/17	9:00-1:00	Roanoke Chowan Community College -109 Community College Rd, Ahoskie
State/Raleigh	4/19	9:00-1:00	State Board of Elections – Dobbs Bldg. 430 N. Salisbury St. Training Rm. #3220, Raleigh
State/Raleigh	4/24	9:00-1:00	State Board of Elections – Dobbs Bldg. 430 N. Salisbury St. Training Rm. #3220, Raleigh
State/Raleigh	5/10	9:00-1:00	State Board of Elections – Dobbs Bldg. 430 N. Salisbury St. Training Rm. #3220, Raleigh
State/Raleigh	5/22	9:00-1:00	State Board of Elections – Dobbs Bldg. 430 N. Salisbury St. Training Rm. #3220, Raleigh

**To register for a Mandatory Compliance Training session listed above or online training:**

Click on the following link <http://www.ncsbe.gov/Campaign-Finance/training>

**To register for Software Training in Raleigh or via phone:**

Email your request to [campaign.reporting@ncsbe.gov](mailto:campaign.reporting@ncsbe.gov) - one of our trainers will contact you to schedule a session.

\*PAC's and IE Committees should visit [www.ncsbe.gov/Campaign-Finance/training](http://www.ncsbe.gov/Campaign-Finance/training) for their specialized schedule.

## **Appendix B**

### **Electronic Filing**

Effective January 1, 2017 all committees that raise or spend \$10,000.00 or more are required to file their reports electronically. As County Boards do not yet have software to be able to accept electronic files, these filers will send their reports to the SBE and we will make them available on our website.

A manual has been created that will help new County candidates set up the Campaign Finance Remote Software. This manual is available online at <http://www.ncsbe.gov/Campaign-Finance/reporting-software>.

We have also created a Frequently Asked Questions document regarding electronic filing.

## **Mandatory Electronic Filing for Certain Committees**

### **Frequently Asked Questions – County Edition**

#### **Q1. Why was my committee not required to file electronically in the last election?**

The change to the law regarding electronic filing was effective January 1, 2017.

#### **Q2. I am expecting to have very little activity for my election. Do I still need to file my reports electronically?**

Any committee that raises or spends in excess of \$10,000.00 in an election cycle will be a mandatory electronic filer. Any committee that does not exceed the \$10,000.00 limit will not be expected to file their reports electronically, but can certainly file them voluntarily.

#### **Q3. What are the benefits of filing electronically?**

The software performs all of the calculations for you thereby making your reports more accurate and less time consuming for the user. In addition, the software maintains a database of all contributors and payees which also saves time by eliminating the need to enter repetitive information.

#### **Q4. How do I obtain the reporting software?**

The Campaign Finance Remote Software (CFRS) is available on the State Board website at [www.ncsbe.gov](http://www.ncsbe.gov). Select Campaign Finance, then select Reporting Software. The software is available for download. There are also Campaign Finance Software help topics that will get you started.

#### **Q5. I have a really old pc (dial-up, tablet, Mac), will this software work on my devise?**

The Reporting software is a stand-alone application built for the Windows operating system; there is no support for setting up the application to run over a network. The following Windows operating platforms are supported, but the software will operate on various Windows operating platforms (including Windows 10):

- Windows XP SP3
- Windows 7 32bit

#### **Q6. When is the best time to start using the software?**

You can start at any time but It's easier to start at the beginning of an election cycle so that your election totals are correct.

#### **Q7. Is there a form that I need to file with the BOE indicating that I am planning to exceed \$10,000?**

No, once a committee exceeds \$10,000 they are expected to start using the software and filing future reports electronically.

#### **Q8. Can I create a pdf file and email that in as my electronic filing?**

No. A pdf is not the correct format for electronic filing. Your electronically filed report must be imported into the State Board of Elections internal software, and so we need a data file.

**Q9. Why am I emailing my electronic reports to the State? I am a municipal/county candidate.**

Currently we do not have internal software that the County Boards of Election can use, and so they are unable to accept and process electronic reports. All electronic reports will be made available on the NCSBEE website, and the county boards will provide a link to each committee on their website.

**Q10. How can I determine that my electronic report was received?**

A reply email is sent for each report that is filed electronically. In addition, starting with the 2017 Mid Year Semi Annual Report, all electronic reports will be available on the NCSBEE website. The website is updated each evening with all reports that have been imported for the day. You can search for your report by selecting Campaign Finance – Report Search.

**Q11. I heard that the state was working on web based software. Is that available?**

We do not anticipate the new software being available during the 2018 election.

**Q12. Do I still need to file a signed cover page manually if I have filed an electronic report?**

Yes. The law requires that reports are filed under an original signature, so you must file a signed Disclosure Report Cover with your County Board of Elections.

**Q13. We are planning to have three very large fundraisers. Will I be able to assist my treasurer with data entry duties using this software?**

Unfortunately, the software is a stand-alone application which cannot easily be shared between users. Downloading the software to a laptop which can be shared between users is what we would recommend.

**Q14. What happens if a committee exceeds \$10,000.00 and doesn't file their reports electronically?**

Hardcopy reports reflecting that a committee has exceeded the \$10,000.00 limit will be processed as "report not received" until that report is properly filed electronically. Reports filed late or not received are assessed daily penalties.

**Q15. If I want to receive training for the software, how do I register my interest?**

Software training is provided at the NCSBEE office, on a one to one basis. If enough interest is generated, we may be able to offer software training workshops. There are currently no plans to offer regional software training. There are Campaign Finance Software Help Topics available from the website via the following link <http://www.ncsbe.gov/Campaign-Finance/reporting-software> that have step by step instructions on using the software.

Register your interest in software training by emailing [campaign.reporting@ncsbe.gov](mailto:campaign.reporting@ncsbe.gov). You can also use this email address if you have any related questions.

**Q16. If I have questions about how to use the software, who should I ask?**

You should call or email your questions to NCSBEE at 919-814-0700 or [campaign.reporting@ncsbe.gov](mailto:campaign.reporting@ncsbe.gov).